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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 9, 1991

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR HEARING:

ITEM A: Letter from Barry A. Hirshbein, Esq., requesting rehearing of Appeal No. 90-237, 1660 - 48th Avenue. Hearing December 12, 1990. After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to overrule the department and deny the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED**. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **January 16, 1991.**

ITEM B: Letter from Dennis N. Gee, requesting rehearing of Appeal No. 90-227, 1456A 8th Avenue. Hearing December 12, 1990. After discussion, upon motion of Vice President Marks, the Board voted 2-3 (President Makras, Commissioners House and Melbostad dissented) to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM C: Letter from Willie Ballard, requesting rehearing of Appeal No. 90-231, 810 Lyon Street. Hearing December 12, 1990. After discussion, upon motion of Commissioner Melbostad, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to overrule the department and grant the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **DENIED**.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **January 16, 1991.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-259

(3) ALFONSO VILLEGAS, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Revocation on October 31, 1990,
[of Dance Hall Keeper/Place of
[Entertainment permits at
[3395 Mission Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the appellant pay the permit fees within five days. The appellant did not appear.

SPEAKER: Jeff Barker, attorney for S.F.P.D.

APPEAL NO. 90-248

(4) MANUEL V. TIRAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 10, 1990, for work
[done at 96 Valmar Street.
[APPLICATION NO. 8902026.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Makras and Vice President Marks dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $93.60 for a total of $187.20. Four votes being necessary to overrule, the department is deemed **UPHELD** and the penalty **SUSTAINED**.

SPEAKERS: Alfred Sanchez, for appellant; Lloyd and Gloria Taylor, permit holders; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-249

(5) TAMMY L. YEUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on October 24, 1990 for
[work done at 1465 - 26th Avenue.
[APPLICATION NO. 8924612.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty. The appellant did not appear.

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SPEAKERS: None.

APPEAL NO. 90-252

(6) ALFRED J. SANCHEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on October 25, 1990 for
[work done at 100 Powell Street.
[APPLICATION NO. 9021870.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty at the original figure of $3,107.00.

SPEAKERS: Alfred Sanchez, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-255

(7) DANIEL SULLIVAN & CARL OLSON,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 1, 1990, for work done
[at 1378-1380-1382 Haight Street.
[APPLICATION NO. 9012864.
[FOR HEARING TODAY.

ACTION: **ADMINISTRATIVELY WITHDRAWN** prior to hearing.

APPEAL NO. 90-258

(8) GLORIA CASSADY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 5, 1990, for work
[done at 33 Cragmont Avenue.
[APPLICATION NO. 9006440.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Gloria and Richard Cassady, appellants; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-206

(9) THEODORE S. CONNELLY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 24, 1990, to May & George
[Tom, permit to Alter a Building
[at 1535 Francisco Street.
[APPLICATION NO. 8816446.
[FOR HEARING TODAY.

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ACTION: **CONTINUED** to the meeting of **January 30, 1991** at the request of appellant (Nancy M. Conway, Esq.) with agreement of permit holder.

APPEAL NO. 90-254

(10) ANTHONY FEUDO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October [17, 1990, to 570 Page Street [Associates, a permit to Alter [a Building at 570 Page Street. [APPLICATION NO. 9005645. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Anthony Feudo, appellant; Terrell Watt, for permit holder; Paul Woo, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Martha Simmons, Deirdre Golani, Debra Duncanson, Thomas Tate, Pamela Smith, Frances DeNoto; Michael McPartlin, Donald Kate, Regina Kate, Marty O'Connell, in oppostion to the project.

The Board recessed from 7:15 to 7:33 p.m.

APPEAL NO. 90-253

(11) MARY ANN CRISCI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination of the Zoning [Administrator on October 15, [1990, that an architect's [office at 200 Francisco Street [cannot be converted into a [dwelling unit under Section 182 [(e) of the Planning Code because [the present use is not covered [by Section 185 although it is [covered by Section 186 which per-[mits neighborhood-serving commer-[cial uses to continue indefinitely. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **OVERRULE** the department with **FINDINGS** to be prepared for adoption at the next meeting.

SPEAKERS: Jerry Klein, for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. V90-256

(12) W. K. MARTIN, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 24, 1990, of
[Usable Open Space and Rear Yard
[Variances sought for property
[located at 2174 Green Street.
[VARIANCE CASE NO. 90.017V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **OVERRULE** the department with amended **FINDINGS** with the **CONDITIONS** that the open rear yard area shall not be used for the parking of vehicles; and the appellant shall record these conditions on the land records as a Notice of Special Restrictions.

SPEAKERS: Werner K. Martin, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:08 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 16, 1991
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **ANNUAL ELECTION OF BOARD OFFICERS**

Upon motion of President Makras, the Board voted 5-0 to elect Esther Marks president and Beverly Prior vice president, each to serve one year until the next election.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Jerome Fuentes, requesting that the Board take jurisdiction over reissuance of Building Permit Application No. 9018019 to alter a building at 69 Duboce Avenue.

Date issued	October 5, 1990
Appeal period ended	October 22, 1990
Request for jurisdiction	January 9, 1991

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **DENY** the request for jurisdiction.

ADOPTION OF FINDINGS - PUBLIC HEARING CLOSED:

ITEM B: Appeal No. 90-253. Hearing January 9, 1991. The Board voted 5-0 to overrule the determination of the Zoning Administrator not allowing conversion of architect's office into a fourth dwelling unit at 200 Francisco Street.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **ADOPT** findings.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Laurence Kornfield, Chief Building Inspector, reported on the Bureau's progress regarding the revision of the Notice of Violation form.

APPEAL NO. 90-231

(4) WILLIE BALLARD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 21, 1990,
[of permit to Alter a Building
[at 810 Lyon Street.
[APPLICATION NO. 9005313.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-0 (Commissioner Melbostad absent) to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: Sharon Lee, appellant's daughter; Willie Ballard, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Joe O'Donoghue, in favor of the project.

APPEAL NO. 90-101

(5) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990,
[of Pedicab Owner permit for
[additional route in Chinatown.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **March 20, 1990** at the request of appellant with agreement of respondent (Jeffrey Barker, Esq.)

APPEAL NO. 90-189

(6) JUAN TORRES, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on August 10, 1990,
[Dance Hall Keeper/Place of
[Entertainment permit dba "El
[Tapatio" at 4742 Mission Street.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **February 20, 1990** at the request of appellant with agreement of respondent (Jeffrey Barker, Esq.)

APPEAL NO. 90-218

(7) EUGENE SUNGA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on September 10,
[1990, of Driver Public Vehicle
[permit (National Cab Company).
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (Vice President Prior dissented and Commissioner Melbostad absent) to overrule the department with the condition that there is a two week suspension and a two year probation. Four votes being necessary to overrule, the department is deemed **UPHELD** and the revocation **SUSTAINED.**

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D., Marina Sarmiento, attorney for appellant; Officer Farrell Suslow, for S.F.P.D.; and Eugene Sunga, appellant.

The Board recessed from 6:15 to 6:42 p.m.

APPEAL NO. 90-223

(8) SULEIMAN NAJDAWI, Appellant vs. SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on September 14, 1990, of Driver Public Vehicle permit (National Cab Company). [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-1 (Commissioner Makras dissented and Commissioner House absent) to **UPHOLD** the department and **SUSTAIN** the revocation.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Suleiman Najdawi, appellant; and Sergeant Stephen Tacchini, for S.F.P.D.

APPEAL NO. 90-237

(9) GUY RICARDO, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on September 28, 1990, to Patrick Fealy, permit to Alter a Building at 1660 - 48th Avenue. [APPLICATION NO. 8904390. [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-2 (President Marks and Commissioner Melbostad dissented, Commissioner House absent) to **UPHOLD** the department and **GRANT** the permit. Four votes being necessary to overrule, the departments and the permit are **UPHELD.**

SPEAKERS: Barry Hirshbein and Nikita Scope, attorneys for appellant; Guy Ricardo, appellant; Bart Murphy, attorney for permit holder; John Lau, architect for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Joe O'Donoghue, in favor of the project; and Stan Osbourne, in opposition to the project.

APPEAL NO. 90-269

(10) DEANNA LUI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on November 10, 1990,
[of permit to Remove a Tree
[at 1924 - 34th Avenue.
[ORDER NO. 155,530.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-0 (Commissioner House absent) to **OVERRULE** the department and allow removal of the tree.

SPEAKERS: Deanna Lui, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Manuel Seguera, in favor of the appellant.

Items 11A and 11B were heard together.

APPEAL NO. 90-267

(11A) EILEEN HANSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November
[9, 1990, to Mr. & Mrs. Pat
[Robertson permit to Alter a
[Building at 126 Beaver Street.
[APPLICATION NO. 9019760.
[FOR HEARING TODAY.

APPEAL NO. 90-276

(11B) EILEEN HANSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November
[26, 1990, to Mr. & Mrs. Pat
[Robertson permit to Alter a
[Building at 126 Beaver Street.
[APPLICATION NO. 9022716.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (Commissioner Melbostad dissented and Commissioner House absent) to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Eileen Hansen, appellant; Jerry Hansen, Ann May, Peter Gurfein, Steve Bartoletti, Mary Lou Bartoletti, in opposition to the project; Phillip Gietzen, architect for permit holder; Pat Robertson, permit holder; Steven Gray, project manager; Mark Jewett, contractor for permit holder; Bruce Baumann, in favor of the project; Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-268

(12) ROBERT A. GILL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November
[7, 1990, to Jun Ishimuro, Miako
[Ishimuro and Cara Black, permit
[to Alter a Building at
[531 - 533 Alvarado Street.
[APPLICATION NO. 9012033.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of President Marks, the Board voted 4-0 (Commissioner House absent) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Robert Gill, appellant; Barry Hirshbein, attorney for permit holders; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. V90-264

(13) JERRY KLEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 8, 1990, of
[Off-Street Parking, Front Setback,
[Unscreened Parking and Usable
[Open Space Variances sought
[for property located at
[4022 - 21st Street.
[VARIANCE CASE NO. 90-123V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (Commissioner Melbostad dissented and Commissioner House absent) to **UPHOLD** the department and **DENY** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, for property owner; Jane Williams, property owner; and Paul McGinty, in opposition to variance.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 9:50 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 30, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Anthony Feudo, requesting rehearing of Appeal No. 90-254, 570 Page Street. Hearing January 9, 1991. After discussion, upon motion by Commissioner Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **February 6, 1991.** President Marks said she would visit the site at 4:30 p.m. Thursday, January 31, 1991 and report back to the Board at the next hearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Judith Boyajian, Deputy City Attorney reported on the status of the litigation for 959 Powell Street. The Court of Appeals denied the appeal of the developers and the matter comes back to this Board for a hearing on scope of the environmental impact report.

APPEAL NO. 90-234

(3) JOTE KEJELA, Appellant
vs.
SAN FRANCISCO POLICE COMMISSION, Respondent

[Police Commission Decision
[Rejecting Hearing Officer's
[Findings of Fact that Public
[Convenience and Necessity
[Require Additional Taxicab
[Permits.
[RESOLUTION NO. 659-90.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Vice President Prior, Commissioner House dissented) to continue the matter 30 days. Then on motion by President Marks, the Board voted 5-0 to **OVERRULE** the Police Commission with findings of Gregory Winters, the Police Commission hearing officer, adopted with amendments. This appeal is **CONTINUED to March 13, 1991** for a final action to determine the number of new taxicab permits (medallions) that should be issued.

SPEAKERS: Officer Ferrell Suslow, Leanna Dawydiak, Esq., Jerry Lee, for S.F.P.D.; Jote Kejela, appellant; Al Hall, Mike Sealy, Joe Briak, Bob Franklin, Philip Ward, Esq., George England; Arthur Lempke; Ed Burke, in opposition to more medallions being issued; Yossedek Desta, in favor; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:15 to 7:31 p.m.

APPEAL NO. 90-282

(4) JOHN H. LOGGINS, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on November 28, [1990 of Second Hand Dealer/ [Second Hand Dealer-State [permits dba "Big John's [Furniture & Misc." at [654 Fillmore Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **February 6, 1991** to allow examination of the bookkeeping records by Inspector Michael Biel of the S.F.P.D.

SPEAKERS: Jeffrey Barker, Esq., Inspector Michael Biel, Sergeant Stephen Tacchini, S.F.P.D.; John Loggins, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Maria Loggins, appellant's wife; Lula Court and Cortez Brown, in favor.

APPEAL NO. 90-272

(5) ACME HOME ELEVATOR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on [November 30, 1990, for work [done at 2366 Broadway Street. [APPLICATION NO. 9020129. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $190.78 for a total of $381.56.

SPEAKERS: Terry Pope, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-275

(6) JOSEFINA F. PICKELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[December 3, 1990, for work
[done at 465 Laidley Street.
[APPLICATION NO. 9013728.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Josefina Pickell, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-277

(7) JOHN LITTLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 4, 1990, for work
[done at 3633 Webster Street.
[APPLICATION NO. 9005021.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Vice President Prior and Commissioner House dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

SPEAKERS: Jim Blackford, contractor for appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and John Little, appellant.

APPEAL NO. 90-279

(8) FAY LEE & HUGUETTE MACHBITZ
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on December 3, 1990,
[of permit to Remove a Tree
[at 11th Avenue & Noriega Street.
[ORDER NO. 155,723.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit for removal of all six trees and to remove only the leaning tree and to thin and prune the remaining trees.

SPEAKERS: Huguette Machbitz, appellant; Melvin Baker, Urban Forestry Division; Panna Wing, Karen Wong, Norman Yu, and Bill Wong, in favor of removing six trees; Charles Gurreri, Alice Pine, Sydney Pine, Donald Weber and William Richter, in opposition.

Vice President Prior was excused from the meeting at 9:30 p.m.

APPEAL NO. 90-270

(9) ANDY & VELMA MAR, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 26, 1990,
[of permit to Alter a Building
[at 4334 Fulton Street.
[APPLICATION NO. 8711687.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-0 (Vice President Prior absent) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Velma and Andy Mar, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

President Marks called for a recess from 9:48 to 9:52 p.m. for the court reporter.

APPEAL NO. 90-206

(10) THEODORE S. CONNELLY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 24, 1990, to May & George
[Tom, permit to Alter a Building
[at 1535 Francisco Street.
[APPLICATION NO. 8816446.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-1 (Commissioner Makras dissented and Vice President Prior absent) to overrrule the department and deny the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED.**

SPEAKERS: Garrett Tom, permit holder; Theodore Connelly, appellant; Sigmund Freeman and Joseph Abraham in opposition to the project; Merrill Jew, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-143

(11) CAROL A. HUGHES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[20, 1990, to Michael Boughton
[and Hal Murphy, permit to Erect
[a Structure at 830 Wisconsin St.
[APPLICATION NO. 8900312.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated January 29, 1991.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:30 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBURARY 6, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Lawrence Badiner, Planner for Department of City Planning; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Ms. Ingfei Chen, Urban Affairs Reporter for the San Francisco Chronicle.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Marina Sarmiento, attorney for Eugene Sunga, requesting rehearing of Appeal No. 90-218. Hearing January 16, 1991. After discussion, upon motion by President Makras, the Board voted 3-1 (Commissioner Prior dissented, Commissioner Melbostad absent) to overrule the department with the condition of a two week suspension with probation. Four votes being necessary the department is **UPHELD** and the revocation **SUSTAINED.**

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT REHEARING** and scheduled it for the meeting of **March 20, 1991.**

ITEM B: Letter from Suleiman Najdawi, requesting rehearing of Appeal No. 90-223. Hearing January 16, 1991. After discussion, upon motion by Commissioner Prior, the Board voted 3-1 (President Makras dissented, Commissioner House absent) to **UPHOLD** the department and the revocation **SUSTAINED.**

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: President Marks presented Commissioner Makras a plaque in recognition of his year of distinguished service as Board President January 1990 to January 1991.

APPEAL NO. 90-254

(3) ANTHONY FEUDO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October
[17, 1990, to 570 Page Street
[Associates, a permit to Alter
[a Building at 570 Page Street.
[APPLICATION NO. 9005645.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit with 20 **CONDITIONS.**

SPEAKERS: Anthony Feudo, appellant; Terrell Watt, for permit holder; Mark Pierce, architect for permit holder; Pamela Smith, Michael McPartland, Barbara Hammes, Dennis Antenore, and Thomas Tate in opposition; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 90-282

(4) JOHN H. LOGGINS, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on November 28,
[1990 of Second Hand Dealer/
[Second Hand Dealer-State
[permits dba "Big John's
[Furniture & Misc." at
[654 Fillmore Street.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department and **GRANT** the permits.

SPEAKERS: Inspector Michael Biel, S.F.P.D.; and John Loggins, appellant.

The Board recessed from 6:52 to 7:02 p.m.

APPEAL NO. 90-285

(5) THOMAS OLSZEWSKI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on December 17, 1990,
[for work done at 414 - 27th Street.
[APPLICATION NO. 9025634.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Thomas Olszewski, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-281

(6) ERWIN G. SWETT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 10, 1990,
[of permit to Demolish a Building
[at 2551-55-57 Mission Street.
[APPLICATION NO. 9002283.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-3 (Vice President Prior, Commissioners House and Makras dissented) to uphold the department and deny the permit. Then on motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to overrule the department and stay demolition to allow access to MEDA and approval of building plans. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **DENIED**.

SPEAKERS: Erwin Swett, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Michael Crowe, Landmarks Preservation Board; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Richard Reineccius and Roberto Barragan, in opposition.

APPEAL NO. 90-284

(7) JOHN C. WALKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 30, 1990
[of permit to Alter a Building
[at 2620 Jackson Street.
[APPLICATION NO. 9004226.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with the **CONDITION** that the Planning Commission requirement that the second floor corner be cut off at a 45° angle is upheld and that the lower level is allowed to be squared off as shown on the preliminary plan submitted by John C. Walker to the Board.

SPEAKERS: John C. Walker, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-283

(8) KIM M. AND LISA LEE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 5, 1990, to Won
[Choe, permit to Alter a
[Building at 1116 Taraval St.
[APPLICATION NO. 9022242.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Kim Lee, appellant; Richard Miller, attorney for permit holder; Al Brand, in opposition; Won Choe, permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-289

(9) BRIAN K. MEDCALF, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on December 10, 1990, to Carolynn Gandolfo, permit to Alter a Building at 2293 - 2295 Washington Street. APPLICATION NO. 9022105. FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-1 (Commissioner Makras dissented) to **CONTINUE** the matter to **March 13, 1991** to allow the permit holder's attorney to examine the new evidence submitted by the Bureau of Building Inspection.

SPEAKERS: Karen Spencer, attorney for appellant; Brian Medcalf, appellant; Alice Barkley, attorney for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-004

(10) LEROY H. DAVIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on December 20, 1990, to Mark Hopkins Inter-Continental, permit to Alter a Building at 999 California Street. APPLICATION NO. 9022507. FOR HEARING TODAY.

ACTION: **CONTINUED** at request of parties to **March 13, 1991** in order to work out an agreement.

Items 11A, 11B and 11C shall be heard together

APPEAL NO. 90-261

(11A) EDWARD J. CONNER, Appellant
vs.
CITY PLANNING COMMISSION,
Respondent

[Disapproval on October 30, 1990, by the City Planning Commission of a Demolition Permit Application for the tourist hotel at 620 Post Street. DEMOLITION APPLICATION NO. 9000532. FOR HEARING TODAY.

APPEAL NO. 91-008

(11B) EDWARD J. CONNER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Disapproval on January 11, 1991, [by the Department of City Planning [of a Demolition Permit Application [for the tourist hotel at [620 Post Street. [DEMOLITION APPLICATION NO. 9000532. [FOR HEARING TODAY.

APPEAL NO. 90-262

(11C) EDWARD J. CONNER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination of clarification [by the Zoning Administrator dated [November 2, 1990 clarifying the [department's denial of a Demolition [Permit Application for the tourist [hotel at 620 Post Street. [DEMOLITION APPLICATION NO. 9000532. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **DENY** the demolition permit.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Lawrence Badiner, Planner for Department of City Planning; Michael Crowe, Landmarks Preservation Board; Pamela Duffy, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Edward Conner, appellant.

The Board recessed from 10:50 to 10:52 p.m. for the court reporter.

APPEAL NO. 90-286

(12) MOLLY MALONE'S DUBLIN PUB, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning [Administrator dated October 19, [1990 that the expansion of the [business on the property at [1849 Lincoln Way would be an [intensification of a nonconform-[ing use and not allowed under [Section 181 of the Planning Code. [FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **March 20, 1991** to allow input from the neighbors.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; David Thompson, appellant; Dennis Antenore, in opposition; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 11:34 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearing may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBURARY 20, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator and David Lindsay, Planner, for Department of City Planning; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Theodore S. Connelly, appellant, requesting rehearing of Appeal No. 90-206, 1535 Francisco Street. Hearing January 30, 1991. After discussion, upon motion by Commissioner Melbostad, the Board voted 3-1 (Commissioner Makras dissented and Vice President Prior absent) to **OVERRULE** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **GRANT REHEARING**. It has been scheduled for the meeting of **April 3, 1991.**

ITEM B: Letter from Laszlo Kornyey, engineer for appellant, requesting rehearing of Appeal No. 90-277, 3633-35 Webster Street. Hearing January 30, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Vice President Prior and Commissioner House dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

ACTION: **CONTINUED** to **February 27, 1991** to allow submittal of additional evidence from the appellant.

ITEM C: Letter from Erwin Swett, appellant, requesting rehearing of Appeal No. 90-281, 2251-2257 Mission Street. Hearing February 6, 1991. After discussion, upon motion by President Marks, the Board voted 2-3 (Vice President Prior, Commissioners House and Makras dissented) to uphold the department and deny the permit. Then on motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to overrule the department and stay demolition to allow access to MEDA for inspection and approval of a building permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the demolition permit **DENIED.**

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Marks, Commissioners Makras and Melbostad dissented) to grant rehearing. Four votes are needed and the request is **DENIED**.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Makras reported on the design and printing of buy-book forms for John Loggins (Appeal No. 90-282, heard on February 6, 1991).

APPEAL NO. 91-001

(3) KENNETH G. INGLES, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT
Respondent

[Revocation on December 17, 1990, of Mobile Caterer-Stop permit dba "Cable Car Canteen" at 700 Great Highway.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (President Marks and Commissioner House dissented) to overrule the department to allow the appellant to transfer his permit to a new owner. Then on motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the following **CONDITIONS:** the appellant to comply with the requirements for a Mobile Caterer-Stop permit; the business has to be in operation within 90 days of this decision; the appellant must work 80% of the weekends; and the Police Department explain any potential options within 15 days of this decision to negotiate in good faith changing from the existing permit to a Pushcart Peddler permit.

SPEAKERS: Jeff Barker, Esq., Officer Jill Connolly, Sergeant Stephen Tacchini, S.F.P.D.; and Kenneth Ingles, appellant.

APPEAL NO. 90-292

(4) PETER P. BOGATSKY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on December 20, 1990, for work done at 2818 Balboa Street.
[APPLICATION NO. 8920649.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Peter Bogatsky, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-003

(5) THOMAS PEIRONA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[January 2, 1991, for work
[done at 3450 Divisadero Street.
[APPLICATION NO. 080452.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $100.00 for a total of $200.00.

SPEAKERS: Carolyn Wilkinson, property owner; Thomas Peirona, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-006

(6) ANDREW AU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 21, 1990, for work
[done at 2535 - 23rd Avenue.
[APPLICATION NO. 8900222.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Andrew Au, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-007

(7) ALBERT & TANE ONG CHAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[January 2, 1991, for work
[done at 1739 Lake Street.
[APPLICATION NO. 9014462.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $35.76 for a total of $71.52.

SPEAKERS: Tane Ong Chan, appellant; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:05 to 7:20 p.m.

APPEAL NO. 90-271

(8) JERRY KLEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 14, 1990,
[of permit to Erect a Building
[at 2927 - 2929 Larkin Street.
[APPLICATION NO. 8914653 (90.406D).
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, appellant; Anatoly Elkinbard, property owner; Ben Lee, Bruno Caramatti, Thomas Curtin, Marilyn Rodman, Tom Brown, Sigmund Freeman and Janet Partridge, in opposition.

APPEAL NO. 90-291

(9) CATALINA & HOMER HIERRO, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 19, 1990,
[of permit to Alter a Building
[at 2090 - 42nd Avenue.
[APPLICATION NO. 8615354.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Vice President Prior dissented) to **OVERRULE** the department with the **CONDITION** that the permit holders record a Notice of Special Restrictions.

SPEAKERS: Homer and Catalina Hierro, appellants; and David Lindsay, Planner for Department of City Planning.

APPEAL NO. 90-278

(10) RAYMOND A. PAKISER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 26, 1990, to Charles
[Richards, permit to Alter a
[Building at 1219 - 19th Street.
[APPLICATION NO. 8902271.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and the Planning Commission's conditions with the additional **CONDITION** that redwood shingles be used on the sides of the building if allowed under the Building Code.

SPEAKERS: Raymond Pakiser, appellant; Mark Gusftason and Mary Towers, in opposition; Phillip Gietzen, architect for permit holder; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-287

(11) MARY J. MURPHY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [December 4, 1990, to Peter [Kwan Fu, permit to Alter a [Building at 2 Berkshire Way. [APPLICATION NO. 8923109S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mary J. Murphy and Katherine M. Delaney, appellants; Peter Kwan Fu, permit holder; Charles Maguire, Eugene McMann and Larry Gietzen, in opposition; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 91-005

(12) JAMES HOUILLION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on [November 13, 1990, to Shin Jin, [permit to Alter a Building at [445 Fillmore Street. [APPLICATION NO. 9021504. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **February 27, 1991** for a report from the Zoning Administrator.

SPEAKERS: James Houillion, appellant; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; David Zimpfer, Georgia Harbour, Catherine Eagon, Dennis Bush and Thomas Donelan, in opposition; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-009

(13) LAURIE KING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on December [28, 1990, to Phat Kim Phung, [permit to Alter a Building [at 1231 - 24th Avenue. [APPLICATION NO. 9005920S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Laurie King, appellant; Joyce Cheng, project sponsor; Robert Passmore, Zoning Administrator for Department of City Planning; and Bill Ferguson and David Kalb, in opposition.

APPEAL NO. V90-290

(14) JEFFREY & MAGGIE YONG, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 5, 1990,
[of Side Yard Variance sought
[for property located at
[1975 - 8th Avenue.
[VARIANCE CASE NO. 90.103V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Maggie and Jeffrey Yong, appellants; and Eugene McGuire, Bernard McGuire, in opposition.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:46 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 27, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Jim Blackford, contractor for appellant, requesting rehearing of Appeal No. 90-277, 3633-35 Webster Street. Hearing January 30, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Vice President Prior and Commissioner House dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (President Marks and Commissioner Makras dissented) to grant rehearing. Four votes being necessary, the request is **DENIED.**

ITEM B: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. 90-284, 2620 Jackson Street. Hearing February 6, 1991. After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS.**

ACTION: After discussion, upon motion by President Marks, the Board voted 4-1 (Commissioner Melbostad dissented) to **DENY** the request for rehearing.

ITEM C: Letter from Roger Platt, attorney for appellant, requesting rehearing of Appeal Nos. 90-261, 90-262, 91-008, 620 Post Street. Hearing February 6, 1991. After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-121

(3) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 4, 1990, to Joe Jaksa,
[permit to Alter a Building at
[1457 Quesada Avenue.
[APPLICATION NO. 8920347.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[SEPTEMBER 12, 1990.

ACTION: **CONTINUED** to **May 1, 1991** prior to hearing by appellant (Jimmie Smith) with agreement of permit holder (Kung Ming Chui).

APPEAL NO. 91-005

(4) JAMES HOUILLION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 13, 1990, to Shin Jin,
[permit to Alter a Building at
[445 Fillmore Street.
[APPLICATION NO. 9021504.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the following **CONDITIONS:** the exhaust stack shall be at least 10 feet tall and the exhaust cap on the American Auto Body's spray booth shall be replaced with a more efficient one.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Charles Pearson, contractor for permit holder; and George Begitsoff, owner of upper shop at 445 Fillmore Street.

APPEAL NO. 91-011

(5) KIERAN T. BURNS, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on January 2, 1991,
[of Place of Entertainment
[permit dba "The Blarney Stone"
[at 5701 Geary Boulevard.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the following **CONDITIONS:** the appellant shall comply with the soundproofing

requirements of the Police Department Noise Abatement Section; the hours that live music can be played shall be 9:00 p.m. to 12:30 a.m. (Thursday, Friday, Saturday) and 9:00 to 12:00 a.m. (Sunday); no activity outside of the premises or doors and windows open after 8:00 p.m.; a doorman be present at all times to check identifications; no permit shall issue until **90 DAYS** after the soundproofing requirements of the Police Department have been met.

SPEAKERS: Jeffrey Barker, Esq., Officer William Arietta, Captain Gregory Winters, S.F.P.D; Kieran Burns, appellant; Mark Kertz, attorney for appellant; and Dianna La, Edwina and William Charrington, in opposition.

The Board recessed from 7:28 to 7:45 p.m.

APPEAL NO. 91-017

(6) KWOK-SAU YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on January 28,
[1991, for work done at
[325-327-329 Austin Street.
[APPLICATION NO. 9023877.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 2-3 (President Marks, Commissioners Makras and Melbostad dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $124.15 for a total of $248.30. Four votes being necessary to overrule a department, the Board on motion by Commissioner Makras, voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total penalty and permit fee of $500.00.

SPEAKERS: Oscar Lee, interpreter for appellant; Kwok-Sau Yee, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-266

(7) JAMES & MARTHA GELLER, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 7, 1990, of
[of permit to Alter a Building
[at 678 Noe Street.
[APPLICATION NO. 8918834.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the following **CONDITIONS:** the permit holder maintain a long-term parking space lease within 500 feet of the property; the permit shall be routed to the Bureau of Building Inspection in order for the safety issues to be addressed.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and James Geller, appellant.

APPEAL NO. 91-013

(8) AMERICAN CANVAS & AWNING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 18, 1991,
[of permit to Alter a Building
[at 903 California Street.
[APPLICATION NO. 9017597.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Commissioners House and Melbostad dissented) to overrule the department on condition there is no signage on the awning and an encroachment permit is obtained. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **DENIED.**

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Tim McGill, appellant.

APPEAL NO. 91-015

(9) JIN SHENG WU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on January 10, 1991,
[of permit to Remove Two
[Trees at 4199 Lincoln Way.
[ORDER NO. 155,903
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Marks, Vice President Prior and Commissioner Makras dissented) to overrule the department with the condition that 15 gallon replacement trees are planted. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **DENIED.**

SPEAKERS: Paul Choy, interpreter for appellant; Jin Sheng Wu, appellant; Robert Passmore, Zoning Administrator for Department of Public Works; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-288

(10) DENNIS P. MARTINO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 4, 1990, to C.H.
[Yam Dynamic, Inc., permit
[to Alter a Building at
[466 Frederick Street.
[APPLICATION NO. 9002886S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated February 21, 1991.

APPEAL NO. 90-167

(11) FLORENCE MANN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT COMMISSION APPROVAL

[Protesting issuance July 30, 1990, to Tony Fong, permit to Alter a Building at 154 Goldmine Drive.
[APPLICATION NO. 8914250.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to uphold the department. Then on motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department with the condition that revised plans are submitted and the addition is set in four feet from the appellant's property line.

SPEAKERS: Florence Mann, appellant; Donald Mann, appellant's son; Laurence Kornfield, Chief Building Inspector; Tony Fong, permit holder; Walter Wong, architect for permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 91-018

(12) TONY FONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January 15, 1991, to Florence Mann, permit to Alter a Building at 156 Goldmine Drive.
[APPLICATION NO. 9023139.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant (Tony Fong).

APPEAL NO. V91-014

(13) GEORGE HOFFBERG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on January 15, 1991, of Rear Yard, Minimum Lot Frontage, Usable Open Space and Exposure Variances sought for property located at 1111 - 1113 Green Street.
[VARIANCE CASE NO. 89.646VE.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **DENY** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; David Cincotta, attorney for appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Jane Cotton, Robert Kuzma, Tom Sluis, William Hoffberg, in favor; and Craig Resnick, Bill Daley, Eliott Freed, in opposition.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: George Hoffberg.

There being no further business, President Marks adjourned the meeting at 10:27 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 13, 1991
4:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Informational presentation by the S.F. Residential Rent Stabilization and Arbitration Board by Michael Rossoff, Esq., and Polly Marshall, Board members, and Ms. Barbara O'Hearn, Deputy Director.

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

***APPEAL NO. 90-234**

(4) JOTE KEJELA, Appellant
vs.
SAN FRANCISCO POLICE COMMISSION, Respondent

[Appeal of Police Commission
[Decision on September 25, 1990,
[Rejecting Hearing Officer's
[Findings of Fact that Public
[Convenience and Necessity Require
[Additional Taxicab Permits.
[RESOLUTION NO. 659-90.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED
[ON JANUARY 30, 1991.

***On January 30, 1991 the Board voted 5-0 to OVERRULE the Police Commission and adopt Hearing Officer's Findings as amended and continued the appeal to March 13, 1991 for their determination of how many new medallions should be issued.**

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner House dissented) to uphold the Commission with certain conditions. Four votes being necessary to impose conditions, the Police Commission is **UPHELD** with **NO CONDITIONS** and no new medallions need to be issued. By this vote the Board rescinded its action of January 30, 1991.

SPEAKERS: Larry Florin, spokesman for Mayor's Office; Jote Kejela, appellant; Leanna Dawydiak, Esq., Officer Ferrell Suslow, Jerry Lee, for S.F.P.D.; Michael Sealy for the Cab Driver Association of S.F. opposed to appeal; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 6:40 p.m. to 6:55 p.m.

APPEAL NO. 90-289

(5) BRIAN K. MEDCALF, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on December
[10, 1990, to Carolynn Gandolfo,
[permit to Alter a Building at
[2293 - 2295 Washington Street.
[APPLICATION NO. 9022105.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to uphold the department with the condition that the building remain under rent control. Then on motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the **CONDITION** that any notices to evict or increase shall be be stayed for 90 days.

SPEAKERS: Alice Barkley, attorney for permit holder; Karen Spencer and Jeffrey Kirchmann, attorneys for appellant; Carolyn Gandolfo, permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-021

(6) JOHN E. EMENIKE, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on December 13, 1990,
[of Driver Public Vehicle permit
[dba "Yellow Cab Company" at
[1200 Mississippi Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the deparment and **DENY** the permit.

SPEAKERS: Jeffrey Barker, Esq., S.F.P.D.; and John Emenike, appellant.

APPEAL NO. 91-023

(7) SOZER AKAT, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on January 30, 1991,
[of Driver Public Vehicle permit
[dba "National Cab Company" at
[1200 Minnesota Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the following **CONDITIONS:** the appellant shall complete the taxi driver course; the appellant shall be placed on probation for three years and a 90 day stay on issuance of the permit.

SPEAKERS: Jeffrey Barker, Esq., and Officer Paul Makaveckas, S.F.P.D.; and Sozer Akat, appellant.

APPEAL NO. 91-022

(8) DARRYL KRAUSSE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 1, 1991, of
[permit to Alter a Building
[at 2307 Van Ness Avenue.
[APPLICATION NO. 9017545.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Vice President Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Darryl Krausse, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-025

(9) CALVIN LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on
[February 8, 1991, for work
[done at 1649 York Street.
[APPLICATION NO. 9102094.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Calvin Lee, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-280

(10) KIERAN KEANEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on October 22, 1990, of permit to Erect a Building at 379 - 17th Avenue. APPLICATION NO. 8916378. FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department **SUSTAIN** the revocation.

SPEAKERS: Alice Barkley, attorney for appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Joe O'Donoghue, in favor of the permit holder; Edith McMillan, David and Rosemarie Ferrante, Patricia Furlong, and Dennis Antenore, in opposition.

The Board recessed from 9:15 to 9:28 p.m.

APPEAL NO. 91-004

(11) LEROY H. DAVIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on December 20, 1990, to Mark Hopkins Inter-Continental, permit to Alter a Building at 999 California Street. APPLICATION NO. 9022507. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **REVOKE** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Leroy Davis, appellant; William Lim, architect for permit holder; Anthony Abuzaude, Norine Barrington, Lamar Fields and Patrick Davis, in opposition.

APPEAL NO. 91-028

(12) RONALD SUYDAM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January 31, 1991, to Isaac and Betty Guillory, permit to Demolish a Building at 1045 S. Van Ness Ave. APPLICATION NO. 9013659. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Steve Cantine and Ronald Suydam, appellants; Jack Wholey, attorney for permit holder; Linda Goodsell, in opposition to the project; and Isaac Guillory, permit holder.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:25 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 20, 1991
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

CONSIDERATION OF JURISDICTION:

ITEM A: Letter from Judith Boyajian, Deputy City Attorney concluding that Appeal 90-274 is not within the jurisdiction of the Board.

APPEAL NO. 90-274

ALAN IRVING, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Appeal of dismissal on November
[20, 1990, of Citation to Revoke
[by the SFPD of Dance Hall Keeper/
[Place of Entertainment permits
[to Sanford Kellman dba "I-BEAM",
[at 1748 Haight Street.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner Makras dissented) to **NOT GRANT JURISDICTION.**

REQUESTS FOR REHEARING:

ITEM B: Letter from Donald Mann, requesting rehearing of Appeal No. 90-167, 154 Goldmine Drive. Hearing February 27, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to uphold the department. Then on motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that revised plans are submitted and the addition is set in four feet from the appellant's property line.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **NOT GRANT REHEARING.**

ITEM C: Letter from James Houillion, requesting rehearing of Appeal No. 91-005, 445 Fillmore Street. Hearing February 27, 1991. After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the following **CONDITIONS:** the exhaust stack shall be at least 10 feet tall and the exhaust cap on the American Auto Body's spray booth exhaust stack shall be replaced with a more efficient one.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to grant rehearing. Four votes being necessary, the request is **DENIED**.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-002

(3) TOMAS CHAVEZ, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on December 17, 1990, [of Billiard Parlor/Mechanical [Amusement Device permits dba ["Pioneer Cafe" at 34 -7th St. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated March 19, 1991.

APPEAL NO. V91-026

(4) ELIZABETH BLAKE CONNORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on [February 1, 1991, to Jay [Hendler & Associates of [Rear Yard Variance sought [for property located at [17 - 25th Avenue North. [VARIANCE CASE NO. 90.198V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (President Marks and Commissioner House dissented) to **UPHOLD** the department.

SPEAKERS: Elizabeth Conners, appellant; Robert Passmore, Zoning Administrator and Caron Parker, Variance Planner, Department of City Planning; Roger Wittlin, property owner; and Jay Hendler, architect for property owner.

APPEAL NO. 90-286

(5) MOLLY MALONE'S DUBLIN PUB, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning
[Administrator dated October 19,
[1990 that the expansion of the
[business on the property at
[1849 Lincoln Way would be an
[intensification of a nonconform-
[ing use and not allowed under
[Section 181 of the Planning Code.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department and allow expansion of the bar/restaurant into the adjacent storage space.

SPEAKERS: None.

APPEAL NO. 90-218

(6) EUGENE SUNGA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on September 10,
[1990, of Driver Public Vehicle
[permit (National Cab Company).
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Vice President Prior dissented) to **OVERRULE** the department with the **CONDITIONS** that the appellant provide a current telephone number and have a waybill available for inspection within 48 hours of request.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Marina Sarmiento, attorney for appellant; Eugene Sunga, appellant; and Jote Kejela, Eric Schaefer, Jack Trad, in favor of the appellant.

APPEAL NO. V91-027

(7) MARGO A. TRAEUMER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[January 30, 1991, to
[Eileen Downey, of Off-Street
[Parking and Rear Yard Variances
[sought for property located at
[2616A Sutter Street.
[VARIANCE CASE NO. 90.191V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **ADOPT** his findings.

SPEAKERS: Margo Traeumer; appellant; Robert Passmore, Zoning Adminisrator and Caron Parker, Variance Planner for Department of City Planning; Eileen Downey, property owner; and Marcel Conrad, William and Diana Rockwell, Lenora Hauk, in favor of property owner.

APPEAL NO. 91-024

(8) JOHN B. BUSSING, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator on January 24,
[1991, that the Certificate of
[Appropriateness granted by the
[Landmarks Board in 1982 remains
[valid/minor changes proposed by
[the Project Sponsor are acceptable
[to the Department for property
[located at 2475 Pacific Avenue.
[CASE NO. 82.162A.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the Zoning Administrator.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; John Bussing and Linda Kahn, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Michael Burke, attorney for property owner; Lynette Chan, property owner; Lynn Sedway, Betty Blomberg, Anne Bloomfield, Beatrice Kirshenbaum, Bruce McGilaway, Dean Frisbee and Irene Kivitz, in opposition to the project; Mary Murphrey, in favor of the project; and Arnold Lerner, architect for property owner.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 8:20 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 3, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Robin Bishop, requesting the Board take jurisdiction over issuance of Building Permit Application No. 9011571 to alter a building at 3177 California Street.

Date issued	February 25, 1991
Appeal period ended	March 12, 1991
Request for jurisdiction	March 15, 1991

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **NOT GRANT JURISDICTION.**

REQUESTS FOR REHEARING:

ITEM B: Letter from William Lim, architect for permit holder, requesting rehearing of Appeal No. 91-004, 999 California Street. Hearing March 13, 1991. After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **REVOKE** the permit.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner Makras dissented) to **GRANT REHEARING.** It has been scheduled for the meeting of **April 24, 1991.**

ITEM C: Letter from Jote Kejela, appellant, requesting rehearing of Appeal No. 90-234. Hearing March 13, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner House dissented) to uphold

the Police Commission with certain conditions. Four votes being necessary to impose conditions, the Police Commission is **UPHELD** with **NO CONDITIONS** and no new medallions need to be issued. By this vote the Board rescinded its action of January 30, 1991.

ACTION: After discussion, upon motion by President Marks, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to grant rehearing. Four votes are needed and the request is **DENIED**.

ITEM D: Letter from Robert Passmore, Zoning Administrator, requesting rehearing of Appeal No. 90-291, 2090 - 42nd Avenue. Hearing February 20, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Vice President Prior dissented) to **OVERRULE** the department with the **CONDITION** that the permit holders record a Notice of Special Restrictions.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Marks and Commissioner Makras dissented) to grant rehearing. Four votes are needed and the request is **DENIED**.

ADOPTION OF FINDINGS - PUBLIC HEARING CLOSED:

ITEM E: Appeal No. 90-289, 2293 - 2295 Washington Street. Hearing March 13, 1991. After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to uphold the department with the condition that the building remain under rent control. Then on motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the **CONDITION** that any notices to evict or rent increase shall be stayed for 90 days.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 1-4 (President Marks, Vice President Prior and Commissioners Makras and Melbostad dissented) to adopt Findings as presented by the appellant. Then on motion by President Marks, the Board voted 5-0 to **ADOPT** Findings with amendments as presented by the permit holder.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: William Schock, Chief Building Inspector for Bureau of Building Inspection; Julie French, Susan Von Winkle, Yossedek Desta, Jote Kejela and Dorothy Crowder.

APPEAL NO. 91-035

(3) JAMES D. ANDERSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 22, 1991, for work
[done at 1 - 3 Grandview Terrace.
[APPLICATION NO. 9021735.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 1, 1991** prior to hearing by appellant (James Anderson).

Items 4A and 4B were heard together.

APPEAL NO. 91-036

(4A) ENRIQUE ROMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[February 15, 1991, for work
[done at 41 - 43 Powers Avenue.
[ELEC. APPLICATION NO. 84689.
[FOR HEARING TODAY.

APPEAL NO. 91-037

(4B) ENRIQUE ROMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[February 20, 1991, for work
[done at 41 - 43 Powers Avenue.
[APPLICATION NO. 9022532.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to **UPHOLD** the department. Four votes are necessary to overrule a department.

SPEAKERS: Maurico Garcia, appellant's son-in-law; Anita Roman Garcia, daughter of appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-030

(5) NAUMANN-SCHAADT, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 31, 1991,
[of permit to Alter a Building
[at 229 - 233 Whitney Street.
[APPLICATION NO. 9000385.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Barbara Herzig, attorney for property owner.

The Board recessed from 6:47 to 7:04 p.m.

Items 6A and 6B were heard together.

APPEAL NO. 91-019

(6A) COMSTOCK APARTMENT CORPORATION, HAYES HENDERSON & CHEOL L. LEE, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [September 19, 1990, to ARMAX, [permit to Alter a Building [at 25 Priest Street. [APPLICATION NO. 9001851. [FOR HEARING TODAY.

APPEAL NO. 91-020

(6B) COMSTOCK APARTMENT CORPORATION, HAYES HENDERSON & CHEOL L. LEE, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [September 19, 1990, to ARMAX, [permit to Alter a Building [at 31 Priest Street. [APPLICATION NO. 8921692. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department.

SPEAKERS: Mark Kertz, attorney for for appellants; Irene Malley, Marilyn Heilman, Warren Sichl, Sophia Clough and Dr. Cheol Lee, appellants; Alice Barkley and Debra Stein attorneys for permit holder; Clarke Manus, architect for permit holder, Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Chief Building Inspector for Bureau of Building Inspection; Richard Slayton, ARMAX Project Director; and Augustin Rosas Maxemin, ARMAX President.

APPEAL NO. 91-031

(7) TERRENCE F. JOHNSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [February 7, 1991, to Kevin [Wong, permit to Alter a [Building at 1124 Athens St. [APPLICATION NO. 9100449. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Legend Dean Edge, appellant's grandson; Kevin Wong, permit holder; and Van Ly, architect for permit holder.

The Board recessed from 8:44 to 8:47 p.m.

APPEAL NO. 91-032

(8) JEAN R. MOSKOWITZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 11, 1991, to
[Brennan Newsom, permit
[to Alter a Building at
[3732 Fillmore Street.
[APPLICATION NO. 9102169.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Makras dissented) to overrule the department. Four votes are needed to overrule and the motion failed. Then on motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS:** (1) The appellant shall not be displaced from her unit while repairs are performed; (2) Install new kitchen appliances, cabinets, and counters in appellant's apartment and permanently forego any rent increase based on such capital improvement; (3) Sand and refinish all wood floors and replace all vinyl flooring in appellant's apartment and to forego any rent increase based on such capital improvement for two years following the date construction is completed; (4) Replace all plumbing, plumbing fixtures, showers and tile in appellant's apartment; (5) Replace all electrical wiring in the bathroom, kitchen, and laundry area of appellant's apartment and install GFI circuits where appropriate; (6) Paint the interior of appellant's apartment.

SPEAKERS: Steve Collier, attorney for appellant; Clifford Fried and Claire Pilcher, attorneys for permit holder; and John Emory, contractor for permit holder.

APPEAL NO. 91-034

(9) TENANTS & NEIGHBORS OF
MARY O'LEARY, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 11, 1991, to
[Gary and Beth Wynbrandt,
[permit to Alter a Building
[at 3871 - 22nd Street.
[APPLICATION NO. 9005999S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the lightwell be be increased from 3'6" x 3' to 5'6" x 3'.

SPEAKERS: Jo Lynn Lambert and John Walsh, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Doris Lobb, architect for permit holder; Gary Wynbrandt, permit holder; Jim Hickey, in opposition to the project.

APPEAL NO. V91-033

(10) JERRY KLEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 20, 1991,
[of Off-Streeet Parking
[Variance sought for property
[located at 4226 - 20th Street.
[VARIANCE CASE NO. 90.577V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Vice President Prior dissented) to **OVERRULE** the Zoning Administrator and grant the variance with the **CONDITION** that the rent be kept permanently at the HUD-defined low income level.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, appellant; Simeon White and Dottie Dean, tenants of the subject project; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

(11) **Consideration of department budget for FY 1991 - 1992 for adoption.**

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **ADOPT** the budget.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:38 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 10, 1991
5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
SEP 1991
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Esther Marks, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from John B. Bussing, appellant, requesting rehearing of of Appeal No. 91-024, 2475 Pacific Avenue. Hearing March 20, 1991. After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the Zoning Administrator.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-2 (President Marks and Commissioner Melbostad dissented) to **NOT GRANT REHEARING.**

ITEM B: Letter from Margo Traeumer, appellant, requesting rehearing of Appeal No. V91-027, 2616A Sutter Street. Hearing March 20, 1991. After dicussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **ADOPT** his findings.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 to **NOT GRANT REHEARING.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-038

(3) TRUC T. VO, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on February 19, 1991, [of Mechanical Amusement Device [permit dba "Phu-Quy Cafe" at [at 253 Leavenworth Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 1-3 (Commissioners House, Makras, Melbostad dissented) to **UPHOLD** the department and **DENY** the permit. Four votes are necessary to overrule a department.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Herbert Hakala, for appellant.

APPEAL NO. 91-040

(4) CESAR ASCARRUNZ, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on February 19, 1991, [of Cabaret/Dance Hall Keeper/ [Place of Entertainment permits [for "Cesar's Latin Palace" at [3140 Mission Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 1-3 (Commissioners House, Makras and Melbostad dissented) to uphold the department and revoke the permits. The motion was then **WITHDRAWN** and the matter **CONTINUED** to **April 24, 1991.**

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Commander Michael Brush, S.F.P.D.; Garrick Lew, attorney for appellant; John Shepard, Anita Bonilla, Pablo Maciel, Adrian Bermudez, John Ferguson, Ramona Albright, Margaret Verges, Keith Consoer, Barbara Meskunas, Charles Bolton, Cecilia Descalzu, Roger Cardenas, Heidi Salgado and Juan Gutierrez, in favor of the appellant; Cesar Ascarrunz, appellant; and Ethan Cliffton, in opposition.

The Board recessed from 7:31 to 7:54 p.m.

APPEAL NO. 91-045

(5) TWIN PEAKS IMPROVEMENT ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [February 28, 1991, to Gary [Arge, permit to erect a struc- [ture at 173 Twin Peaks Blvd. [APPLICATION NO. 8921472S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 to **CONTINUE** the matter to the **CALL OF THE CHAIR** to allow for the issuance and protest of the permit for 169 Twin Peaks Blvd.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Jack Wholey, attorney for permit holder; Richard McFarland, architect for permit holder; Denise LaPointe and Gerald Ritter, appellants; Gary Arge, permit holder; Joseph Miksak, Dottie Crowder, Margaret Maroney, Ramona Albright, Donna Crowder, Carmen Fong, Patricia Reynolds and Carol Keesling, in opposition to the project; and David Dadurka, in favor of the project.

The Board recessed from 8:54 to 8:58 p.m.

APPEAL NO. 91-039

(6) YVONNE LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on February
[26, 1991, for work done
[at 2038 McAllister Street.
[APPLICATION NO. 9020263.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 3-1 (Commissioner Makras dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Yvonne Lee, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-041

(7) MIMI CHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March 7,
[1991, for work done
[at 1710 - 47th Avenue.
[APPLICATION NO. 8907491.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $93.60 for a total of $187.20.

SPEAKERS: Mimi Chan and Leland Chan, appellants; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-044

(8) EDWARD McSWEENEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on February
[26, 1991, for work done
[at 195 Chattanooga Street.
[APPLICATION NO. 8911509.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Edward McSweeney, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-047

(9) YUK SANG WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March 5,
[1991, for work done at
[at 2463 - 19th Avenue.
[APPLICATION NO. 9001373.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $361.40 for a total of $722.80.

SPEAKERS: Chim S. Wong, appellant's brother; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-042

(10) THELMA K. WESSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 22, 1991, to James
[and Betty Crittenden, permit
[to Alter a Building at
[10 Normandie Terrace.
[APPLICATION NO. 9100407.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **April 24, 1991** at the request of appellant's attorney with agreement of permit holders.

Items 11A and 11B shall be heard together

APPEAL NO. 91-046

(11A) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 1, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9023994.
[FOR HEARING TODAY.

APPEAL NO. 91-057

(11B) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 27, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9101762.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 1, 1991** for further hearing.

SPEAKERS: Steve Dobbins, appellant; Robert Passmore, Zoning Adminstrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Richard Shapiro, attorney for permit holder; Anna Shimko, attorney for appellant; Richard Baker, Barbara Malinowski, Eva Sarry, Allen Davis, Bernadette Lopes, Donald Speckman, in opposition to the project; and Bill Pearson, architect for permit holder.

APPEAL NO. V91-043

(12) PATRICIA S. McKENNA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 27, 1991,
[of Off-Street Parking Variance
[sought for property located at
[890 - 892 Rhode Island Street.
[VARIANCE CASE NO. 89.698V.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 1, 1991.**

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Patricia McKenna, appellant.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:45 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 24, 1991
5:00 P.M., ROOM 282, CITY HALL

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1991
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Helen G. Reader, requesting the Board take jurisdiction over denial of a tree removal permit for two trees at 333 & 345 Bosworth Street.

Date issued	March 17, 1991
Appeal period ended	April 1, 1991
Request for jurisdiction	April 10, 1991

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT** jurisdiction. Ms. Reader has 15 days to file an appeal.

ADOPTION OF FINDINGS - PUBLIC HEARING CLOSED:

ITEM B: Appeal No. 90-280, 379 - 17th Avenue. Hearing March 13, 1991. Upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the revocation of Building Permit Application No. 8916378 for construction of a one-family house.

ACTION: **CONTINUED** at the request of Judith Boyajian, Deputy City Attorney.

ITEM C: Appeal No. 91-032, 3732 Fillmore Street. Hearing April 3, 1991. Upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Makras dissented) to uphold the department. Then on motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the appellant not be displaced while the building is being renovated.

ACTION: After dicussion, upon motion by Commissioner House, the Board voted 5-0 to **ADOPT** Findings with amendments as presented by the permit holder.

REQUEST FOR REHEARING:

ITEM D: Letter from Alice Barkley, attorney for permit holder, requesting rehearing of Appeal No. 90-280, 379 - 17th Avenue. Hearing March 13, 1991. After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the revocation.

ACTION: **CONTINUED** at the request of Judith Boyajian, Deputy City Attorney.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-040

(3) CESAR ASCARRUNZ, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on February 19, 1991, [of Cabaret/Dance Hall Keeper/ [Place of Entertainment permits [for "Cesar's Latin Palace" at [3140 Mission Street. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **REVOKE** the permits.

SPEAKERS: Garrick Lew, attorney for appellant; Jeffrey Barker, attorney for S.F.P.D.; and Cesar Ascarrunz, appellant.

APPEAL NO. 91-004

(4) LEROY H. DAVIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on December [20, 1990, to Mark Hopkins Inter- [Continental, permit to Alter a [Building at 999 California Street. [APPLICATION NO. 9022507. [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department with **CONDITIONS** as stated in permit holder's letter of April 11, 1991.

SPEAKERS: William Lim, architect for permit holder; and LaMarr Fields, for appellant.

APPEAL NO. 90-189

(5) JUAN TORRES, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on August 10, 1990, of Dance Hall Keeper/ [Place of Entertainment permits for "El Tapatio" [at 4742 Mission Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 22, 1991** at the request of appellant (Guadalupe Gamino, Esq.) with agreement of respondent (Officer Jeffrey Barker, Esq.).

APPEAL NO. 90-053

(6) YOUSEF M. BARAKAT, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on March 12, 1991, [of Driver Public Vehicle [permit at 855 Geary Street, [dba "DeSoto Cab Company". [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-1 (Commissioner Makras dissented) to **OVERRULE** the department with the following **CONDITIONS:** the appellant shall complete the taxi driver course; the appellant shall be placed on a two week suspension and one year probation.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Yousef Barakat, appellant; and Officer Paul Makaveckas, S.F.P.D.

APPEAL NO. 91-049

(7) ORESTE LANDI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of [Penalty imposed on March 11, [1991, for work done at [288 Naples Street and [541 - 545 Excelsior Avenue. [APPLICATION NO. 9101388. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $244.80 for a total of $488.16.

SPEAKERS: Ed Corvi, attorney for appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-051

(8) ROBERT BROYER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 26, 1991, for work
[done at 1525 Willard Street.
[APPLICATION NO. 9100168.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.38 for a total of $594.76.

SPEAKERS: John Hayden, contractor for appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-052

(9) CARSON YUAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March 22,
[1991, for work done
[at 99 Eastwood Drive.
[APPLICATION NO. 9002181.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $406.90 for a total of $813.80.

SPEAKERS: Carson Yuan, appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-056

(10) JAMES M. GRIFFIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 1, 1991, for work
[done at 33 Ina Court.
[APPLICATION NO. 9022237.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to uphold the department and sustain the penalty. Then on motion by Commissioner Melbostad, the Board voted 3-2 (President Marks and Commissioner Makras dissented) to overrule the department with the condition that the penalty be reduced to $500.00. Four votes are needed to overrule a department and the penalty is therefore **SUSTAINED**.

SPEAKERS: James Griffin, appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-048

(11) EDWARD WONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent REDEVELOPMENT AGENCY DISAPPROVAL

[Denial on March 4, 1991, of [permit to Alter a Building [at 837 Duncan Street. [APPLICATION NO. 9004879. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: Sandy Wong, for appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:24 to 7:41 p.m.

APPEAL NO. 91-055

(12) GOODWILL INDUSTRIES, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

[Denial on March 13, 1991, [of Sign Permit to Erect [Four Projecting Banners [at 820 Clement Street. [APPLICATION NO. 9012633. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 to overrule the department that the banners be allowed for the life of the banners and not replaced when worn out. Then on motion by Commissioner Makras, the Board voted 3-2 to overrule the department and allow the banners for one year. Four votes are needed to overrule a department and therefore the department is **UPHELD** and the permit is **DENIED**.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Ardis Jerome and Perrine Kelly appellants.

APPEAL NO. 91-042

(13) THELMA K. WESSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [February 22, 1991, to James [and Betty Crittenden, permit [to Alter a Building at [10 Normandie Terrace. [APPLICATION NO. 9100407. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 15, 1991** for submission of revised plans.

SPEAKERS: R. Bruce Laing, attorney for appellant; James Crittenden, permit holder; and Paul Pelosi, in opposition to the project; John Pflueger, architect for permit holder.

APPEAL NO. 91-054

(14) JACK E. & ELIZABETH A. MILLER, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 13, 1991, to Anton Bley,
[permit to Alter a Building at
[166 Yerba Buena Avenue.
[APPLICATION NO. 8904241.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: John Miller, for appellant; Jack and Elizabeth Miller, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Anton Bley, permit holder; Theodore Brown, architect for permit holder; Tom Galli, landscape architect for permit holder; Sam Raiter, in favor of the project; and Harriet Wertsch, David Ausberry, in opposition to the project.

APPEAL NO. 91-060

(15) VLADIMIR J. SHPOTNIK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 22, 1991, to Winston
[and Catherine Wong, permit
[to Demolish a Building at
[2332 Taraval Street.
[APPLICATION NO. 9022964.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Vladimir Shpotnik, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Dennis Lee for permit holders.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 9:59 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 1, 1991

5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
MAY 15 1991
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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator, requesting rehearing of Appeal No. 91-030, 229 - 233 Whitney Street. Hearing April 3, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the permit.

ACTION: **CONTINUED** to **May 15, 1991** for revision of findings.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-121

(3) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 4, 1990, to Joe Jaksa,
[permit to Alter a Building at
[1457 Quesada Avenue.
[APPLICATION NO. 8920347.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[SEPTEMBER 12, 1990.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Vice President Prior dissented) to **UPHOLD** the department with **CONTIONS** and findings.

SPEAKER: Kung-Ming Chiu, engineer for permit holder.

APPEAL NO. V91-043

PATRICIA S. McKENNA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 27, 1991,
[of Off-Street Parking Variance
[sought for property located at
[890 - 892 Rhode Island Street.
[VARIANCE CASE NO. 89.698V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-3 (Commissioners House, Makras, Melbostad dissented) to uphold the department. Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the following **CONDITIONS:** (1) The appellant shall bring this unit and the building up to the present Building and Housing Code Standards; (2) The appellant shall proceed with all deliberate speed and do whatever is necessary to meet said Code standards within the 90 days following the effective date of this decision; (3) The third unit legalized through this decision shall be limited to monthly rental amount governed by the HUD defined moderate income guidelines; (4) The appellant shall register this third unit with the Mayor's Office of Housing as a moderate income unit; (5) The appellant shall record these conditions on the land records as a Notice of Special Restrictions and shall submit copies to both the Department of City Planning and the office of the Board of Permit Appeals.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; and Patricia McKenna, appellant.

APPEAL NO. 91-035

(5) JAMES D. ANDERSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 22, 1991, for work
[done at 1 - 3 Grandview Terrace.
[APPLICATION NO. 9021735.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $110.83 for a total of $221.66.

SPEAKERS: James Anderson, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-050

(6) PAMELA KWAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APROVAL

[Imposition of Penalty on
[March 20, 1991, for work
[done at 2351 - 44th Avenue.
[APPLICATION NO. 9024809.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $244.08 for a total of $488.16.

SPEAKERS: Pamela Kwan and Robert Ching, appellants; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-062

(7) LARRY E. STRASSNER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of [Penalty on April 10, 1991, [for work done at [1114 Bryant Street [APPLICATION NO. 9100532. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Vice President Prior and Commissioner Melbostad dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Larry Strassner, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:04 to 7:19 p.m.

APPEAL NO. 91-058

(8) ALEXANDER SHTROMBERG, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [March 22, 1991, to Winston [and Catherine Wong, permit [to Erect a Structure at [2332 Taraval Street. [APPLICATION NO. 9022963S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department with the following **CONDITIONS:** the redwood wall shall be painted a light color; sound transmission coefficient (STC) 50 insulation shall be used in the property line wall; and no changes to front facade.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Alexander Shtromberg, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Dennis Lee, attorney for permit holders; Brian Fuqua and Mary Guard, in opposition; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Gabriel Ng, architect for permit holders.

APPEAL NO. 91-059

(9) IMOGENE GIELING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[21, 1991, to Leslie Plack,
[permit to Erect a Structure
[at 20 Beaver Street.
[APPLICATION NO. 8919199.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 15, 1991** for redesign and final draft of conditions.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Imogene Gieling, appellant; Gary Arge, project sponsor; Robin Rudderow, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Richard McFarland, architect for permit holder; Terry Abraham, Michael Cyckevic, Ted Kipping, Donna Anderson, Mara Feeney, Brian Christianson, John Campbell, Elizabeth Doerr, Bill Campbell, Bartlett Falls, Denise LaPoint, David Neal, Laura Duforte, Dotte Crowder, Keith Whetmore, Andrew Vesselinovitch and Rock Trowbridge, in opposition to the project.

The Board recessed from 10:20 to 10:32 p.m.

APPEAL NO. 91-068

(10) PETER OMRAN, Appellant
vs.
DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 2, 1991, to Loy &
[Sandy Linebarger, permit
[to Alter a Building at
[2464 - 14th Avenue.
[APPLICATION NO. 9010945.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Peter Omran, appellant; Loy and Sandy Linebarger, permit holders; and Ed Hardin, architect for permit holders.

APPEAL NO. 91-061

(11) EUREKA VALLEY PROMOTION ASSOC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting determination by
[the Zoning Administrator dated
[March 25, 1991, that a proposed
[fast food (pizza) restaurant
[may occupy the retail space at
[508 Castro Street formerly
[occupied by an ice cream shop
[at 504 Castro on the same property.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the determination.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; Winston Ashmeade, Heide Chip and David Johnson, appellants; Jack Wholey, attorney for permit applicants; Paul Geffner and Joe Goldmark, permit applicants.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 11:41 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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5/15/91

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 15, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS AND REQUEST FOR REHEARING:

ITEM A: Findings prepared by Executive Director with amendments by Board on May 1, 1991. Letter from Robert Passmore, Zoning Administrator, requesting rehearing of Appeal No. 91-030, 229 - 233 Whitney Street. Hearing April 3, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the permit.

ACTION: After dicussion, upon motion by Commissioner House, the Board voted 5-0 to **ADOPT** Findings as amended and **DENY** the request for rehearing.

REQUEST FOR REHEARING:

ITEM B: Letter from Garrick Lew, attorney for Cesar Ascarrunz (dba "Cesar's Latin Palace") requesting rehearing of Appeal No. 91-040, 3140 Mission Street. Hearing April 24, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **REVOKE** the permits.

ACTION: **CONTINUED** to **June 5, 1991** at request of the attorney for appellant, Tony Tamburello, Esq.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-042

(3) THELMA K. WESSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 22, 1991, to James
[and Betty Crittenden, permit
[to Alter a Building at
[10 Normandie Terrace.
[APPLICATION NO. 9100407.
[FOR FURTHER HEARING TODAY.

ACTION: **CONTINUED** to **June 5, 1991** at request of John Pflueger, architect for permit holder and with agreement of R. Bruce Laing, attorney for appellant.

APPEAL NO. 91-059

(4) IMOGENE GIELING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[21, 1991, to Leslie Plack,
[permit to Erect a Structure
[at 20 Beaver Street.
[APPLICATION NO. 8919199.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS:** the garage shall have a roll-up door with 1" x 6" trim and vertical pattern to match lower floor; the front bay shall have recessed panels; the cornice shall have ½" round to panel and not recessed; the second floor line of front bay shall have 6" crown molding; the east wall seen above the one story house to the right shall have corner moldings; 60 day notice shall be included in the letter of credit; prior to issuance of the permit, the project sponsor shall provide Ms. Gieling a letter of authorization to inquire of the bank if the letter of credit is still in effect; and the letter of credit shall include language that any damage to the palm tree caused by the construction or development on the site will cause the letter of credit to become due.

SPEAKERS: Richard McFarland, architect for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Michael Cyckevic, architect for appellant; Gary Arge, project sponsor; and Robin Rudderow, attorney for project sponsor.

APPEAL NO. 91-067

(5) GERALD K. WOLF, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on April 11, 1991,
[of Dance Hall Keeper
[permit dba "Eddie Jacks"
[at 1151 Folsom Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Commissioners House and Melbostad dissented) to

overrule the department with the following conditions: the appellant shall be on probation for one year; push-out bars shall be installed for exits; double-paned windows shall be installed and kept closed while live music is played. Four votes are needed to overrule a department or impose conditions and therefore the department is **UPHELD** and the permit is **DENIED**.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Gerald Wolf, appellant; David Sternberg, in opposition; Robert Passmore, Zoning Administrator for Department of City Planning; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 6:46 to 7:00 p.m.

APPEAL NO. 91-012

(6) ELLEN S. ARBENZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 3, 1991,
[of permit to Alter a Building
[at 139 - 139A States Street.
[APPLICATION NO. 8913920.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Roger Platt, attorney for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-063

(7) JEANNE A. MOSLENER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 9, 1991, to Robert
[Reinhard, permit to Alter
[a Building at 68 Yukon St.
[APPLICATION NO. 9102766.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Lindsey Mickles, attorney for appellant; Jeanne Moslener, appellant; Robert Reinhard, permit holder; and Robert Passmore, Zoning Adminstrator for Department of City Planning.

APPEAL NO. 91-066

(8) VIOLET & ALAN FISH, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 5, 1991, to Lawrence
[Look, permit to Erect a
[Structure at 55 Lopez Avenue.
[APPLICATION NO. 9015623S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Alan Fish, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; M. Brett Gladstone, attorney for permit holder; Harold Wright, Forest Hill Association; Dr. Carl Hansen, in opposition to the project; Lawrence Look, permit holder; and Walter Wong architect for permit holder.

APPEAL NO. 91-064

(9) CECILIA TSU & SAVE OUR RICHMOND ENVIRONMENT (SORE), Appellants vs. ZONING ADMINISTRATOR, Respondent [Protesting determination [by the Zoning Administrator [on March 28, 1991, that the [proposed use would comply [with all applicable zoning [regulations at 6324 Geary Blvd. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the determination.

SPEAKERS: Cecilia Tsu, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Julia Lopez, Department of Social Services; John Wilson Bugbee, St. Vincent DePaul; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Steve Vettel, attorney for the homeless shelter; Lourdes Martinez, Catholic Charities; Freda Einson, Gregory Goldstein, Mr. Jordan, Ruth Abrahams, Ron Miguel, George Patterson, Bill Marotta, Donald Stroh, Jim Lazarus, SuChien Kaiser, Joseph Tsu, Edith McMillan, Kuen Fong, in opposition; and John Evans, Arthur Jones, David Rohrl, Tiniki Walker, Rose Evans, Pat Swendsen, Lawrence Fennell, Don Hooker, Jr., Patricia Kaussen, Irwin Hoff, Anne Horton, Margaret Verges, Joe Wilson, John Dunbar, in favor of the project.

(10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:16 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 22, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Ramona Albright and Edith McMillan.

Items 3A and 3B were heard together

APPEAL NO. 91-045

(3A) TWIN PEAKS IMPROVEMENT ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [February 28, 1991, to [Gary Arge, permit to erect [a one-family house at [at 173 Twin Peaks Blvd. [APPLICATION NO. 8921472S. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-1 (Vice President Prior dissented) to overrule the department and revoke the permit. Then on motion by Commissioner House, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **RESCIND** the prior vote and **CONTINUE** the matter to **June 5, 1991** for submission of revised plans by the permit holder.

APPEAL NO. 91-079

(3B) TWIN PEAKS IMPROVEMENT ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [May 1, 1991, to Gary Arge, [permit to erect a one-family [house at 169 Twin Peaks Blvd. [APPLICATION NO. 8921469S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 3-2 (Vice President Prior and Commissioner House dissented) to overrule the department and revoke the permit. Four votes are needed to overrule a department and the permit was upheld. Then on motion by Commissioner House, the Board voted 3-2 to **RESCIND** the prior vote and **CONTINUE** the matter to **June 5, 1991** for submission of revised plans by the permit holder.

SPEAKERS: Denise LaPointe and Gerald Ritter, appellants; Gary Arge, project sponsor; Richard McFarland, architect for permit holder; Norma Andres, Ramona Albright, Richard Hart, Terrence Russell, Anthony Chase, Dotte Crowder, in opposition to the project; Jerry Bernstein, Robert Dadurka, in favor of the project; Jack Wholey, attorney for permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:53 to 8:09 p.m.

APPEAL NO. 91-072

(4) STANLEY L. MALESKI, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Appealing for Refund of [Penalty imposed on May 2, [1991, for work done at [1828-30A-30B Grove Street. [APPLICATION NO. 9104714. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: Stanley Maleski, appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-076

(5) TERRY M. CHIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Imposition of Penalty on [April 26, 1991, for work [done at 2173 California Street. [APPLICATION NO. 9105095. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $377.33 for a total of $754.66.

SPEAKERS: Terry Chin, appellant; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-075

(6) HELEN G. READER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on March 8, 1991,
[of permit to Remove Two Trees
[at 333 and 345 Bosworth Street.
[ORDER NO. 156,309.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-3 (Commissioners House, Makras, Melbostad dissented) to uphold the department and deny the permit. Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that over-the-counter replacement trees approved by Urban Forestry are simultaneously planted upon removal of the older trees.

SPEAKERS: Helen Reader, appellant; Rosita Robinson, in favor of removing the trees; Robert Passmore, Zoning Administrator for Department of City Planning; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-071

(7) THE HIDDEN COURT HOMEOWNERS ASSOC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 17, 1991, to Marcello
[Cola, permit to Alter a
[Building at 2817 - 26th Street.
[APPLICATION NO. 8923870.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **June 12, 1991** for revision of plans by permit holder.

SPEAKERS: Roger Solomon, appellant; Marcello Cola, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Oscar Lee, in opposition to the project; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-073

(8) PATRICK ROBERTSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 19, 1991, to Mark G.
[Jones, permit to Alter a
[Building at 2711 Scott Street.
[APPLICATION NO. 9023022.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patrick Robertson, appellant; Mark Jones, permit holder; and William Schock, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-074

(9) STANTON A. GLANTZ, PH.D., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL,

[Protesting issuance on
[April 24, 1991, to Raymond
[Yee, permit to Alter a Build-
[ing at 1472 - 24th Avenue.
[APPLICATION NO. 9102813.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **OVERRULE** the department and **REVOKE** the permit. Executive Director to write to Superintendent to urge enforcement of Codes.

SPEAKERS: Stanton Glantz, appellant; William Schock, Chief Building Inspector for Bureau of Building Inspection; Van Ly, plans designer for permit holder; Robert Butin, Elizabeth Owyang, William Lambert; Claire Plilcher, Dorothy Shinefeld, John Bardis, in opposition to the project; Lisa Yee, permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. V91-070

(10) ILEAN McCOY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 22, 1991,
[of Rear Yard Variance
[sought for property located
[at 14 Sparta Street.
[VARIANCE CASE NO. 90.600V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Marks and Vice President Prior dissented) to overrule the department and grant the variance. Four votes are needed to overrule a department and the denial is **SUSTAINED.**

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Ilean McCoy, appellant; Leon Mercado, architect for appellant; and Reverend Julius Kendall, in favor of the project.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Claire Pilcher.

There being no further business, President Marks adjourned the meeting at 11:12 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 5, 1991
4:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **HEARING TO INSTRUCT PLANNING DEPARTMENT ON SCOPE OF ENVIRONMENTAL REVIEW (EIR):**

APPEAL NOS. 88-293/4/5

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 2, 1988, to Mardi- [kian Enterprises, permits to [Erect Structures at 959 Powell [and 8 Wetmore Streets. [APPLICATION NOS. 8707411S, [8707412S, 8804433S. [FOR EIR SCOPING HEARING TODAY [AS REQUIRED BY SUPERIOR COURT. [CASE NO. 908-819.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to scope the project EIR as described by Environmental Review Officer Barbara Sahm with five alternatives: (1) a project with fewer units; (2) a project with less height; (3) a project with the existing 12-unit apartment house retained; (4) a project in complete compliance with the Planning and Building Codes; (5) a project retaining the number of affordable dwelling units presently existing on the site.

SPEAKERS: Barbara Sahm, ERO; Victor Gonzalez for Taldan Investment Company; Judith Boyajian, Deputy City Attorney; Ken Golden, attorney for Taldan; Sue Hestor, attorney for Chinatown Neighborhood Improvement Resource Center; and Michael Burke, attorney for permit holder.

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS AND REQUEST FOR REHEARING:

ITEM A: Findings prepared by Judith Boyajian, Deputy City Attorney. Letter from Alice Barkley, attorney for permit holder, requesting rehearing of Appeal No. 90-280, 379 - 17th Avenue. Hearing March 13, 1991. After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the revocation of the permit to build a single family dwelling.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **ADOPT** Findings as amended. Then on motion by Vice President Prior, the Board voted 5-0 to **DENY** the request for rehearing.

REQUESTS FOR REHEARING:

ITEM B: Letters from Garrick Lew and Tony Tamburello, attorneys for Cesar Ascarrunz (dba "Cesar's Latin Palace") requesting rehearing of Appeal No. 91-040, 3140 Mission Street. Hearing April 24, 1991. After discussion, upon motion by Commissioner Makras Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **REVOKE** the dance hall keeper/place of entertainment/cabaret permits for "Cesar's Latin Palace".

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **DENY** the request for rehearing. Mr. Tamburello requested a copy of the findings of fact that will be prepared for this case.

ITEM C: Letter from appellant Gerald Wolf (dba "Eddie Jacks"), requesting rehearing of Appeal No. 91-067, 1151 Folsom Street. Hearing May 15, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Commissioners House and Melbostad dissented) to overrule the department with the following conditions: the appellant shall be on probation for one year; push-out bars shall be installed for exits; double-paned windows shall be installed and kept closed while live music is played. Four votes are needed to overrule a department or impose conditions and therefore the department is **UPHELD** and the dance hall keeper permit is **DENIED**.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Commissioners House and Melbostad dissented) to grant the request for rehearing. Four votes are needed and the request is **DENIED**.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Tenants of 466 Frederick Street, requesting that the Board take jurisdiction over issuance of Building Permit Application No. 9002886S to alter a building at 466 Frederick Street.

Date issued	December 4, 1990
Appeal period ended	December 19, 1990
Request for jurisdiction	May 16, 1991

Appeal No. 90-288 for Application No. 9002886S for alteration of 466 Frederick Street was scheduled for hearing on February 27, 1991, and was withdrawn by appellant Dennis Martino prior to hearing.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **GRANT JURISDICTION**. Ms. Roberts has 15 days to file an appeal.

ADOPTION OF FINDINGS - PUBLIC HEARING CLOSED:

ITEM E: Findings prepared by Roger Platt, attorney for appellant. Appeal No. 91-012, 139 - 139A States Street. Hearing May 15, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with findings.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **ADOPT** Findings as amended.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-042

(4) THELMA K. WESSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 22, 1991, to James
[and Betty Crittenden, permit
[to Alter a Building at
[10 Normandie Terrace.
[APPLICATION NO. 9100407.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **REVOKE** the permit as stipulated by the parties.

SPEAKERS: Tom Pflueger, architect for permit holder; and R. Bruce Laing, attorney for appellant.

Items 5A and 5B were heard together

APPEAL NO. 91-045

(5A) TWIN PEAKS IMPROVEMENT ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [February 28, 1991, to [Gary Arge, permit to erect [a one-family house [at 173 Twin Peaks Blvd. [APPLICATION NO. 8921472S. [FOR FURTHER HEARING TODAY.

APPEAL NO. 91-079

(5B) TWIN PEAKS IMPROVEMENT ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [May 1, 1991, to Gary Arge, [permit to erect a one-family [house at 169 Twin Peaks Blvd. [APPLICATION NO. 8921469S. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Comissioners Makras dissented) to **UPHOLD** the department with the **CONDITION** that a variance is granted for 169 Twin Peaks Blvd.

SPEAKERS: Richard McFarland, architect for permit holder; Gerald Ritter and Denise LaPointe, appellants; Gary Arge, permit holder; Jack Wholey and Robin Rudderow attorneys for permit holder; Robert Passmore, Zoning Administrator; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:05 to 7:22 p.m.

APPEAL NO. 91-065

(6) PRANEE ROSEQUIST, Appellant vs. SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on March 29, 1991, [of Masseuse Permit dba "Blue [Sky Spa" at 738 Larkin Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the appellant serve a one year probation.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Christopher Hall, attorney for appellant.

APPEAL NO. 91-081

(7) DELUCCHI MECHANICAL, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Imposition of Penalty on [May 15, 1991, for work [done at 1526 Powell Street. [APPLICATION NO. 9103286 [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty. Four votes being necessary to overrule a department, the department is upheld.

SPEAKERS: Richard Jones, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-078

(8) LEVANT ST. RESIDENTS ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on April 26, 1991,
[of permit to Prune Four
[Trees and Remove One Tree
[at 88 Vulcan Stairway.
[ORDER NO. 156,533.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the aborist's recommendations for pruning four trees and removing one tree are followed and the expenses shall be borne by the neighbors.

SPEAKERS: Bernie Katzman, appellant; Melvin Baker, Asst. Superintendent for Urban Forestry; Vanessa Conrad, Hearing Officer for Urban Forestry; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Martin Forrer, in favor of the project; and Jim San Jule, representing Len Beard, in opposition.

APPEAL NO. 91-069

(9) LONDON & EDINBURGH TRUST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 4, 1991, to Valdi
[and Robert Biernacinski,
[permit to Alter a Building
[at 160 Sansome Street.
[APPLICATION NO. 9007159.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **June 26, 1991** at request of permit holder with agreement of appellant.

APPEAL NO. 91-082

(10) MAYE FISHER & THOMAS McDERMOTT, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 6, 1991, to Jose Marenco,
[permit to Erect a Structure
[at 348 Shotwell Street.
[APPLICATION NO. 9018489S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patrick Miller, attorney for appellant; Jose Marenco, permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; John Wong and Garrett Graham, in favor of the project; Loreto Manuel, surveyor for permit holder; and Thomas McDermott, appellant.

APPEAL NO. V91-077

(11) ALICE WAUGH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 30, 1991,
[of Rear Yard, Open Space
[and Front Setback Variances
[sought for property located
[at 3565 Market Street.
[VARIANCE CASE NO. 90.645V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the following **CONDITIONS:** (1) the plans for the decks be revised so that the lower deck floor not exceed any point a height of three feet above grade nor extend toward the rear property line to a point closer than three feet so that no fire wall is required, and (2) that the upper deck plan be revised so that it shall not project more than six feet beyond the the rear wall of the building and shall not come closer than three feet to either side property line, so that no fire walls are required.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Joseph Rezek, for appellant; Mary Devaney, Ellen Daly, Virginia Clark, in opposition; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Alice Waugh, appellant; and Judith Boyajian, Deputy City Attorney.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Laurence Kornfield reported to the Board on new posters used for notice of permit issuance.

There being no further business, President Marks adjourned the meeting at 10:07 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 12, 1991
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from appellant Ilean McCoy, requesting rehearing of Appeal No. V91-070, 14 Sparta Street. Hearing May 22, 1991. After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Marks and Vice President Prior dissented) to overrule the department and grant the variance. Four votes being necessary to overrule, the department is **UPHELD**.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **GRANT REHEARING**. It has been scheduled for the meeting of **June 26, 1991.**

ITEM B: Letter from permit holder Lisa Yee, requesting rehearing of Appeal No. 91-074, 1472 - 24th Avenue. Hearing May 22, 1991. After discussion, upon motion by President Marks, the Board voted 5-0 to **OVERRULE** the department and **REVOKE** the permit.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Marks dissented) to **GRANT REHEARING**. Then on motion by Commissioner Melbostad, the Board voted 5-0 to **GRANT REHARING** and **CONTINUE** it indefinitely until permit for the rear building clears.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Stanley Glantz, Ph.D.

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APPEAL NO. 91-071

(3) THE HIDDEN COURT HOMEOWNERS ASSOC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 17, 1991, to Marcello
[Cola, permit to Alter a
[Building at 2817 - 26th Street.
[APPLICATION NO. 8923870.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with seven **CONDITIONS** agreed upon between the appellant and permit holder, with an eighth **CONDITION** that the permit holder shall revise the plans as necessary to provide light and ventilation as required by the San Francisco Building Code.

SPEAKERS: Roger Solomon, appellant; Marcello Cola, permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-101

(4) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990,
[of Pedicab Owner permit for
[additional route in Chinatown.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 17, 1991** at request of appellant (Christopher Hall, Esq.) with agreement of respondent (Jeffrey Barker, Esq.).

APPEAL NO. 91-084

(5) E. M. FENTON, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed on
[May 23, 1991, for work
[done at 2207 - 14th Avenue.
[APPLICATION NO. 9109043.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and sustain the full penalty.

SPEAKERS: Anthony Fenton, appellant's son; and Laurence Kornfield, Chief Building Inspection.

APPEAL NO. 91-080

(6) LEONARD P. MASTROMONACO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 2, 1991, of
[permit to Alter a Building
[at 2001 Pierce Street.
[APPLICATION NO. 8705222.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Commissioners Makras and Melbostad dissented) to uphold the department with the condition that enforcement is stayed until there is a comparable unit available for the resident manager. Then on motion by Vice President Prior, the Board voted 3-2 to **UPHOLD** the department. Four votes are needed to impose conditions, therefore the department is upheld with **NO CONDITIONS**.

SPEAKERS: Leonard Mastromonaco, appellant (attorney for property owner); Barry Pearl, Planner for Department of City Planning; and Henry Prien, property owner.

APPEAL NO. 91-083

(7) COLM BRENNAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 7, 1991, of
[permit to Alter a Building
[at 709 - 711 Lincoln Way.
[APPLICATION NO. 9104970.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 10, 1991** at request of appellant with agreement of respondent (Barry Pearl).

APPEAL NO. 91-085

(8) WILLIAM VOGLER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 9, 1991, to Robert
[and Alicia Sakai, permit
[to Alter a Building
[at 1415 Lake Street.
[APPLICATION NO. 9022585.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

APPEAL NO. 91-086

(9) SPRINCY LEMOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 13, 1991, to Julie Lee,
[permit to Alter a Building
[at 2014 - 2018 Clement Street.
[APPLICATION NO. 9024094S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the parapet is deleted and the building addition is constructed with a 1-hour or 2-hour fire rated roof assembly.

SPEAKERS: Sprincy Lemos and Peggy Kopmann, appellants; Paul Fan, agent for permit holder; Philipp C. Philipps, in opposition to the project; and Julie Lee, permit holder.

APPEAL NO. 91-087

(10) NORTHPOINT BUILDERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 10, 1991, to William Duke,
[permit to Alter a Building
[at 300 Hill Street.
[APPLICATION NO. 8917695.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Henry Shapiro, appellant; William Duke, permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: John Bardis; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Stanley Glantz, Ph.D.

There being no further business, President Marks adjourned the meeting at 7:15 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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6/26/91

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 26, 1991
5:00 P.M., LEGISLATIVE CHAMBERS
2ND FLOOR, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Denise LaPointe, appellant requesting rehearing of Appeal Nos. 91-045 and 079, 169 and 173 Twin Peaks Boulevard. Hearing on June 5, 1991. After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with the **CONDITION** that a variance is granted for 169 Twin Peaks Blvd.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **NOT GRANT REHEARING.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Presentation by Larry Litchfield, Superintendent for Bureau of Building Inspection on status of 1472 - 24th Avenue and implementation of new policies and procedures for over-the-counter permits; John Bardis; Stanton Glantz, Ph.D.; and Joe O'Donoghue.

APPEAL NO. V91-070

(3) ILEAN McCOY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 22, 1991,
[of Rear Yard Variance
[sought for property located
[at 14 Sparta Street.
[VARIANCE CASE NO. 90.600V.
[FOR REHEARING TODAY.

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ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the variance with the following **CONDITIONS:** that the addition is no more than 16 feet deep, a 20-foot yard is retained and the wall that protrudes into the back yard is painted a light color, as presented in revised plans submitted for this rehearing.

SPEAKERS: Leon Mercado, architect for appellant; Ilean McCoy, appellant; Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-069

(4) LONDON & EDINBURGH TRUST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [April 4, 1991, to Valdi [and Robert Biernacinski, [permit to Alter a Building [at 160 Sansome Street. [APPLICATION NO. 9007159. [FOR HEARING TODAY.

ACTION: With no testimony, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department with **CONDITIONS** stipulated to by both parties.

SPEAKER: Jim Reuben, attorney for appellant.

APPEAL NO. 91-092

(5) SAN FRANCISCO HERITAGE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT APPROVAL

[Protesting issuance on [May 13, 1991, to SOCO Ltd., [permit to Demolish a Building [at 1381 Post Street. [APPLICATION NO. 9104654. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department.

SPEAKERS: Michael Crowe and Mark Ryser, appellants; Jennifer Bell, attorney for Redevelopment Agency; David Cincotta, attorney for permit holder; Gee Gee Platt, historian preservation consultant; Byron Rhett, Redevelopment Agency; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-088

(6) IGOR & LIU ADAMOVITCH, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation on May 13, [1991, by the Zoning Adminis- [trator that the third (basement) [story fifth dwelling was illegally [built without permits and must [be restored to original authorized [use of four dwelling units on [two stories of residential occu- [pancy at 315 Grand Avenue. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by attorney for appellant, David Cincotta.

APPEAL NO. 91-099

(7) TENDERLOIN HOUSING CLINIC, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION APPROVAL

[Protesting decision by the [Hearing Officer dated May 28, [1991, granting the application [of the San Remo Hotel to rent [an unlimited number of resi- [dential units at the hotel to [tourists during the 1991 tourist [season (May 1 - September 30) [at 2237 Mason Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **August 7, 1991** prior to hearing with agreement of both parties.

The Board recessed from 7:35 to 7:52 p.m.

Items 8A, 8B, 8C were heard together

APPEAL NO. 91-089

(8A) LISA DOLLARD, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 10, [1991, to St. Dominic's Priory, [permit to Demolish the [St. Rose Academy Building [at 2475 Pine Street [APPLICATION NO. 9017392. [FOR HEARING TODAY.

APPEAL NO. 91-090

(8B) MICHAEL CROWE, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 10, [1991, to St. Dominic's Priory, [permit to Demolish the [St. Rose Academy Building [at 2475 Pine Street. [APPLICATION NO. 9017392. [FOR HEARING TODAY.

APPEAL NO. 91-091

(8C) SAN FRANCISCO HERITAGE, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 10, [1991, to St. Dominic's Priory, [permit to Demolish the [St. Rose Academy Building [at 2475 Pine Street. [APPLICATION NO. 9017392. [FOR HEARING TODAY.

ACTION: After discussion, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department.

SPEAKERS: Sue Hestor, attorney for S.F. Heritage; Lisa Dollard and Michael Crowe, appellants; Robert Bossi, structural engineer; Lu Blazej, Department of City Planning; Alice Barkley and Robert McCarthy, attorneys for permit holder; Sue Imperial, Kathryn Burns, Lucia Manzella, Pam Elliott, Brett Gladstone; Jennifer Lung, Courtney Clarkson, Roger Kleid, Lauren Bricker, Hennil Wesniewski, Moaria Carcache, Mary Reyes, Linda Kitch, Nichole Mathers, Rose Bertolino, Charlotte Maeck, Ed Dollard, Gee Gee Platt, Stewart Morton, John LaGatta, Marjorie Manzella, opposed to the project; Sister Kristin Wombacher, Veronica Davis, Orville Lester, Irene Doss, Janet Watson, David Ish, Ron Pinto, Reverend Calvin Jones, Jr., Yori Wada, Phil Siggins, Dr. Albert Shumute, Thomatra Scott, Sister Joan Hanna, Marci Hooper, Sister Cathy Murray, Barbara Meyers, Sister Anna Louise, S. Annette Sheaffer, Sister Barbara Sullivan, Father Martin de Porres, Sister Catherine DeBack, in favor of the project; Robert Passmore, Zoning Administrator for Department of City Planning.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 11:10 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 10, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House and Victor Makras.

Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Paul Melbostad.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Vincent Huang, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9025197 to alter a building at 366 - 30th Avenue.

Date of denial	June 10, 1991
Appeal period ended	June 25, 1991
Request for jurisdiction	June 27, 1991

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-0 to **GRANT** jurisdiction. Mr. Huang has 15 days to file an appeal.

ITEM B: Letter from Jeffery Dorosk, requesting that the Board take jurisdiction over denial of rear yard variance sought for property located at 1990 Jefferson Street.

Date of denial	June 18, 1991
Appeal period ended	July 1, 1991
Request for jurisdiction	July 2, 1991

ACTION: **WITHDRAWN** prior to hearing.

ADOPTION OF FINDINGS - PUBLIC HEARING CLOSED:

ITEM C: Appeal No. 91-040, 3140 Mission Street. Hearing April 24, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **REVOKE** the dance hall keeper/place of entertainment/cabaret permits for "Cesar's Latin Palace". Request for rehearing

June 5, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **DENY** the request for rehearing.

The Board will consider adoption of the Police Department Findings dated February 19, 1991.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to **ADOPT** findings.

ITEM D: Appeal Nos. 91-089 - 091, St. Rose Academy. Hearing June 26, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (President Marks dissented) to **ADOPT** findings.

SPEAKERS: Alice Barkley and Sue Hestor.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-093

(3) DOUGLAS GOLUB, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Suspension on May 15, 1991, [of Junk Dealer permit [dba "Bay Area Metals" [at 3201 - 3rd Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** to August 28, 1991 at the request of appellant with agreement of respondent (Jeffrey Barker, Esq.)

APPEAL NO. 91-103

(4) REDMOND LYONS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on [June 14, 1991, for work [done at 3702 - 22nd Avenue. [APPLICATION NO. 9012198. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 17, 1991** for further consideration and a report from Laurence Kornfield on the amount of the revised penalty fee. Public comment was **CLOSED**.

SPEAKERS: Redmond Lyons, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-105

(5) DORIE TRENCHARD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on June 18,
[1991, for work done at
[1526 - 28th Avenue.
[APPLICATION NO. 9019414.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-1 (Commissioner Makras dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $75.08 for a total of $150.16. Four votes being ncessary to overrule, the departments are **UPHELD** and the penalty is **SUSTAINED.**

SPEAKERS: Dorie Trenchard, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-083

(6) COLM BRENNAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 7, 1991, of
[permit to Alter a Building
[at 709 - 711 Lincoln Way.
[APPLICATION NO. 9104970.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Colm and Ellen Brennan, appellants; and Barry Pearl, Planner for Department of City Planning.

APPEAL NO. 91-100

(7) KATHY ROBERTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 14, 1990, to C.H. Yam
[Dynamic, permit to Alter a
[Building at 466 Frederick Street.
[APPLICATION NO. 9002886S.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 17, 1991** for further consideration and to allow the Zoning Adminstrator to determine if the notification process was used properly to inform neighbors of the permit issuance. Public comment was **CLOSED.**

SPEAKERS: Kathy Roberts, appellant; Peter Fu, agent for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection Mark Cango, Nancy Kaufmann, Jayne Shore, Marjorie Katz, Mary Andropoulos, Laura Goldsmith, Douglas Metz, Jaime Roth, Carole Glosenger and Frank Lee, in opposition to the project; and Barry Pearl, Planner for Department of City Planning.

The Board recessed from 7:20 to 7:38 p.m.

APPEAL NO. 91-101

(8) NORMAN L. LINGSCH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 7, [1991, to Michael Shaposhnikov, [permit to Alter Building [at 1091 Pacheco Street. [APPLICATION NO. 9022961S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (President Marks dissented) to **UPHOLD** the department.

SPEAKERS: George Vlazakis, attorney for appellant; Norman and Betty Lingsch, appellants; Dennis Lee, attorney for permit holder; Gabriel Ng, architect for permit holder; Michael Shaposknikov, permit holder; and James Kindergan, in opposition to the project.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 8:05 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 17, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Mark Ryser, appellant requesting rehearing of Appeal No. 91-092, 1381 Post Street. Hearing on June 26, 1991. After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKER: Marion Keller in support of rehearing; David Cincotta for permit holder.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-103

(3) REDMOND LYONS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 14, 1991, for work
[done at 3702 - 22nd Avenue.
[APPLICATION NO. 9012198.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[JULY 10, 1991.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $500.00.

SPEAKERS: Laurence Kornfield, Chief Building Inspection for Bureau of Building Inspection; and Redmond Lyons, appellant.

APPEAL NO. 91-100

(4) KATHY ROBERTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 4, 1990, to C.H. Yam
[Dynamic, permit to Alter a
[Building at 466 Frederick Street.
[APPLICATION NO. 9002886S.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[JULY 10, 1991.

ACTION: After discussion, upon motion by President Marks, the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to overrule the department and deny the permit. Four votes are needed and the permit is upheld. Then on motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with the **CONDITION** that the new units are tied to the HUD-defined moderate income level and registered with the Mayor's Office of Housing.

SPEAKERS: Robert Passmore, Zoning Adminstrator for Department of City Planning; and Peter Fu, agent for permit holder.

APPEAL NO. 90-101

(5) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990,
[of Pedicab Owner permit for
[additional route in Chinatown.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **August 21, 1991** at the request of appellant (Christopher Hall, Esq.) with agreement of respondent (Jeffrey Barker, Esq.).

APPEAL NO. 91-108

(6) SUNG WAGNER, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on June 7, 1991, of
[of Billiard Parlor/Mechanical
[Amusement Device permit dba
["Club Peacock" at 628 Ellis St.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that there is a 30 day stay on the issuance of the permit.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Thomas Steel, attorney for appellant; and Sergeant Tacchini, S.F.P.D.

APPEAL NO. 91-110

(7) TAM THI NGUYEN, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on June 5, 1991, [of Masseuse permit dba "Blue [Sky Massage" at 738 Larkin St. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the appellant serve a one-year probation.

SPEAKERS: Thomas Steel, Esq., attorney for appellant; and Jeffrey Barker, attorney for S.F.P.D.

APPEAL NO. 91-094

(8) DEBBIE MILLIGAN, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

[Determination of the Zoning [Administrator on May 21, 1991, [disapproving Health Depart- [ment's referral for a large fast [food restaurant for property at [2512 Sacramento Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **August 21, 1991** at the request of appellant.

APPEAL NO. 91-107

(9) WILLIAM SHIELDS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on [June 18, 1991, for work done [at 1136 Hampshire Street. [APPLICATION NO. 9001512. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $75.08 for a total of $150.16.

SPEAKER: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; the appellant did not appear.

APPEAL NO. 91-109

(10) LOUIS FERRALIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 19, 1991, for work done
[at 778 Union Street.
[APPLICATION NO. 9026147.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner House dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $84.18 for a total of $168.36. Four votes being necessary, the department is upheld. Then on motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $420.90.

SPEAKERS: Louis Ferralis, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 6:56 to 7:10 p.m.

APPEAL NO. 91-102

(11) CAROL E. STEVENS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting granting on June 3,
[1991, to Mary Nicholson,
[permit to Alter a Building
[at 2178 - 47th Avenue.
[APPLICATION NO. 9017439.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated July 17, 1991.

APPEAL NO. 91-104

(12) HERBERT W. BECKMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 30, 1991, to Charles Page,
[permit to Demolish a Building
[at 20 La Ferrera Terrace.
[APPLICATION NO. 9108348.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing at the request of parties to **July 31, 1991.**

APPEAL NO. V91-095

(13) CONCERNED FOREST HILL NEIGHBORS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 28, [1991, to Jerry Klein, of Mini- [mum Lot Size, Usable Open Space [and Side Yard Variance sought [for property located [at 21 Castenada Avenue. [VARIANCE CASE NO. 90.104V. [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing at the request of parties to **August 7, 1991.**

APPEAL NO. V91-098

(14) GEORGE S. WYNNS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 29, [1991, to Garry Coppers and [Judith Connolly, of Rear Yard [Variance sought for property [located at 122 Brewster Street. [VARIANCE CASE NO. 90.628V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: George Wynns, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Garry Coppers and Judith Connolly, variance holders.

APPEAL NO. V91-106

(15) AHMAD MOHAZAB, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 7, 1991, of [Off-Street and Usable Open [Space Variances sought for [property located at [455 Duboce Street. [VARIANCE CASE NO. 90.584V [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the ground floor units be tied to the HUD-low income level and registered with the Mayor's Office of Housing and that these conditions be recorded as a Notice of Special Restrictions.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Ahmad Mohazab, appellant; and Robert Gallot, property owner.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Laurence Kornfield and Robert Passmore.

There being no further business, President Marks adjourned the meeting at 8:19 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 31, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Ralph House reported on the lack of compliance with Board conditions on Appeal No. 90-121, 1457 Quesada Avenue. The Board discussed the enforcement process with Ms. Boyajian and Mr. Kornfield.

APPEAL NO. 91-111

(3) JOHN J. PRIOR, dba "SWINGING DOOR", Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Appealing conditions of [Place of Entertainment [permit granted on June 5, [1991 for property located [at 1334 Noriega Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** prior to hearing.

APPEAL NO. 91-097

(4) JOSEPH K.Y. CHOI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on [June 6, 1991, for work [done at 135 Victoria Street. [APPLICATION NO. 9004123. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** prior to hearing.

APPEAL NO. 91-113

(5) FLORENCE NOWLEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on June 21,
[1991, for work done at
[1371 - 75 Bay Street.
[APPLICATION NO. 9006353.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** prior to hearing.

APPEAL NO. 91-104

(6) HERBERT W. BECKMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 30, 1991, to Charles Page,
[permit to Demolish a Building
[at 20 La Ferrera Terrace.
[APPLICATION NO. 9108348.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with the **CONDITION** that the developer implement the five conditions listed in the letter dated July 9, 1991 with a sixth condition that this permit and the construction permit for the project shall be suspended by the Bureau of Building Inspection in the event there are three incidents of alleyway blockage reported to the Department of Parking and Traffic during the period of construction.

SPEAKERS: Herbert and Sue Beckman, appellants; Jon Twichell, planning consultant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for Department of City Planning; and Jane Winslow, in opposition to the project.

APPEAL NO. 91-112

(7) JOE McGINITY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 7,
[1991, to Vic Gilbert, permit
[to Erect a Structure at
[776 Rhode Island Street.
[APPLICATION NO. 8909669S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated July 30, 1991.

APPEAL NO. 91-116

(8) LOUIS A. LEONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[28, 1991, to Julie Gardner,
[permit to Alter a Building at
[118 Taraval Street.
[APPLICATION NO. 9112034.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the exterior painting and cleanup is completed within 30 days, all interior work completed within 60 days, the work hours shall be 8:00 a.m. to 5:00 p.m., and an application for revisions shall be filed within 35 days or the permit will be revoked.

SPEAKERS: Louis Leone, appellant; Julie Gardner, permit holder; Eugene Gardner, permit holder's son; Howard and Sonia Goldsmith, Ivor Prout and Fred Schlanze, in opposition to the project.

The Board recessed from 6:35 p.m. to 6:52 p.m.

Items 9A, 9B, and 9C were heard together.

APPEAL NO. 91-117

(9A) LYNNE FELDSHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1991, to Catholic
[Charities of Archdiocese
[of San Francisco, permit
[to Erect a Structure
[at 3400 - 16th Street.
[APPLICATION NO. 9106501.
[FOR HEARING TODAY.

APPEAL NO. 91-118

(9B) LYNNE FELDSHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1991, to Catholic
[Charities of Archdiocese
[of San Francisco, permit
[to Demolish a Building
[at 3400 - 16th Street.
[APPLICATION NO. 9106502.
[FOR HEARING TODAY.

APPEAL NO. 91-119

(9C) LYNNE FELDSHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1991, to Catholic
[Charities of Archdiocese
[of San Francisco, permit
[to Demolish a Building
[at 3402 - 16th Street.
[APPLICATION NO. 9106503.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Lynn Feldsher, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Jodi Reid for permit holder; George Ivelich, architect for permit holder; David Moore, Janet Roubian, Jun Tatlonghari, Donald Stroh, Neal Koris, Georgette Scardino, in opposition to the project; and Rick Spratling, Susan Linneman, Joe Lacey, Maryann Dillon, Rick Champion, in favor of the project.

(10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 7:50 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 7, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Miriam Chion, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-099

(3) TENDERLOIN HOUSING CLINIC, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION APPROVAL

[Protesting decision by the [Hearing Officer dated May 28, [1991, granting the application [of the San Remo Hotel to rent [an unlimited number of resi- [dential units at the hotel to [tourists during the 1991 tourist [season (May 1 - September 30) [at 2237 Mason Street. [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing at request of hotel owner (Andrew Zachs, Esq.) with agreement of appellant (Randall Shaw, Esq.).

APPEAL NO. 91-124

(4) GUO XIN TAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on [July 2, 1991, for work [done at 68 Liebig Street. [APPLICATION NO. 9018915. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated August 7, 1991.

APPEAL NO. 91-125

(5) LISA WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[July 10, 1991, for work
[done at 220A Williams Avenue.
[APPLICATION NO. 9110658.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $204.10 for a total of $408.20.

SPEAKERS: Wai Chin, agent for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-126

(6) NICOLAS F. GOMEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 11, 1991, for work
[done at 222 Montana Street.
[APPLICATION NO. 9101903.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 2-3 (President Marks, Commissioners House and Makras dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $217.43 for a total of $434.86. Four votes are needed and the full penalty is **SUSTAINED**.

SPEAKERS: Nicolas Gomez, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-127

(7) NANCY M. WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 11, 1991, for work
[done at 726 Shields Street.
[APPLICATION NO. 9013520.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $500.00.

SPEAKERS: Nancy Wong, appellant; and Laurence Kornfield, Chief Building Inspector for the Bureau of Building Inspection.

APPEAL NO. 91-115

(8) N. C. BUCKHART, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 20, 1991, of
[permit to Alter a Building
[at 3149 California Street.
[APPLICATION NO. 9025879.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Miriam Chion, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and William Ziegler, attorney for appellant.

Items 9A and 9B were heard together

APPEAL NO. 91-122

(9A) UNITED SIGNS, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 25, 1991, of
[permit to Erect a Sign at
[at 1155 Junipero Serra Blvd.
[APPLICATION NO. 9108380.
[FOR HEARING TODAY.

APPEAL NO. 91-123

(9B) UNITED SIGNS, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 25, 1991, of
[permit to Erect a Sign at
[at 1155 Junipero Serra Blvd.
[APPLICATION NO. 9108381.
[FOR HEARING TODAY.

ACTION: After discussion, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permits.

SPEAKERS: Miriam Chion, Planner for Department of City Planning; Patricia Byrne, attorney for appellant; Ronald Bernstein, appellant; and Bob Meyers, architect for appellant.

APPEAL NO. 91-121

(10) EDGEHILL WAY ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 25,
[1991, to Elizabeth Farrah,
[permit to Erect a Structure
[at 333 Edgehill Way.
[APPLICATION NO. 8914445.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated August 5, 1991.

APPEAL NO. V91-095

(11) CONCERNED FOREST HILL NEIGHBORS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 28, 1991, to Jerry Klein, of Minimum Lot Size, Usable Open Space and Side Yard Variance sought for property located at 21 Castenada Avenue. VARIANCE CASE NO. 90.104V. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Lisa Trygg, appellant; Jerry Klein, representing variance holder; Miriam Chion, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Richard Koretz, Timothy Treacy, Johann Carlstrom, in opposition to the project.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Victor Makras led a discussion concerning continuances granted by staff and recommended the procedure be tightened.

There being no further business, President Marks adjourned the meeting at 7:20 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 21, 1991
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Letter from Lynn Feldsher, appellant requesting rehearing of Appeal Nos. 91-117 and 91-118, 3400 - 16th Street. Hearing July 31, 1991. After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and grant the permits.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-099

(3) TENDERLOIN HOUSING CLINIC, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION APPROVAL

[Protesting decision by the [Hearing Officer dated May 28, [1991, granting the application [of the San Remo Hotel to rent [an unlimited number of resi- [dential units at the hotel to [tourists during the 1991 tourist [season (May 1 - September 30) [at 2237 Mason Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with amended findings.

SPEAKERS: Andrew Zacks, attorney for hotel owner; Randall Shaw, appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 91-133

(4) NESET TOLU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on July 10, 1991, for
[for work done at 976 Market St.
[APPLICATION NO. 9104849.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty is reduced to a total of $500.00.

SPEAKERS: Kahraman Tolu, for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-128

(5) DOREEN FAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 27,
[1991, to Heitman Properties,
[permit to Alter a Building
[at 44 Montgomery Street.
[APPLICATION NO. 9108965.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department with the **CONDTION** that the generator housing is relocated as noted in the revised plans and stipulated to by the parties.

SPEAKERS: None.

APPEAL NO. 91-131

(6) NORTH OF MARKET PLANNING COALITION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 3,
[1991, to Francisco Gamez,
[permit to Alter a Building
[at 137 Turk Street.
[APPLICATION NO. 9108492.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated August 16, 1991.

APPEAL NO. 91-132

(7) VIRGINIA E. BURTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 2,
[1991, to 1990 Alpha Family
[Trust, permit to Alter a
[Building at 50 Fernwood Drive.
[APPLICATION NO. 9013179S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Virginia Burton, appellant; William Pashelinsky, for permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-129

(8) EDDIE & PUI LING LOWE, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting determinination
[dated July 1, 1991 by the
[Zoning Administrator that Build-
[ing Permit Application No. 9104153
[be cancelled for alteration of
[staircase and railings at front
[of 17 - 19 Parker Avenue.
[APPLICATION NO. 9104153.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 to **UPHOLD** the department and cancel the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Eddie and Pui Ling Lowe, appellants; and Kathy and Steve Shain, permit holders.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: President Marks and Board discussed procedures on continuances.

There being no further business, President Marks adjourned the meeting at 7:23 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 4, 1991
4:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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(1) **EXECUTIVE SESSION (CLOSED TO PUBLIC)**

The Board of Permit Appeals met in Room 282 in executive session (closed to public) and discussed the pending litigation as follows with representatives of the City Attorney's Office in compliance with California Government Code Section 54956.9 (a).

Superior Court No. 932398
Swett vs. Board of Permit Appeals, CCSF, et al.
Demolition Permit Application No. 9002283
2551 - 2557 Mission Street (theater building)
BPA Appeal No. 90-281 (decided February 6, 1991)

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-APPEAL PERIOD:

ITEM A: Letter from Robert W. Heuman, requesting that the Board take jurisdiction over issuance of Building Permit Application No. 9102122 to erect a single family house at 5428 Anza Street.

Date issued	August 1, 1991
Appeal period ended	August 16, 1991
Request for jurisdiction	August 21, 1991

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

ITEM B: Letter from Johnny Hong, requesting that the Board take jurisdiction over issuance of Building Permit Application No. 9015646S to alter a building at 379 - 39th Avenue.

Date issued	August 1, 1991
Appeal period ended	August 16, 1991
Request for jurisdiction	August 28, 1991

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Items 4A and 4B were heard together

APPEAL NO. 91-046

(4A) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 1, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9023994.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 91-057

(4B) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 27, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9101762.
[FOR FURTHER HEARING TODAY.

ACTION: **CONTINUED** at the request of the appellant (Bernard Burke, Esq.) and permit holder (Jonathan Bass, Esq.) to **October 2, 1991.**

SPEAKERS: Jonathan Bass, attorney for permit holder; Bernard Burke, attorney for appellant; and Steve Dobbins, appellant.

APPEAL NO. 91-093

(5) DOUGLAS GOLUB, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Suspension on May 15, 1991,
[of Junk Dealer permit
[dba "Bay Area Metals"
[at 3201 - 3rd Street.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department. The appellant did not appear.

APPEAL NO. 91-130

(6) MAURICE RAMSEY, Appellant
vs.
S.F. POLICE COMMISSION, Respondent

[Appealing resolution of Police
[Commissioner on May 29, 1991 to
[revoke taxicab eligibility for
[failure to report change of
[address.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department, restore the appellant's name to the taxicab eligibility list and refund the full appeal fee.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Maurice Ramsey, appellant.

APPEAL NO. 91-134

(7) THEODORE M. SOULIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 8, 1991, for work done
[at 1006 Page Street (301
[Divisadero Street).
[APPLICATION NO. 8809612.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $327.60 for a total of $655.20.

SPEAKERS: Theodore Soulis, apppellant; Charles LaKamp, contractor for appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-135

(8) LOURDES CASTRO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 22, 1991, for work done
[at 1938 Donner Avenue.
[APPLICATION NO. 9021796.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $677.95 for a total of $1,355.90. The department was requested to reevaluate the basis of the permit fee.

SPEAKERS: Lourdes Castro, appellant; and Jim Hutchinson, Senior Building Inspector Bureau of Building Inspection.

APPEAL NO. 91-136

(9) ALLEN L. PROSS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on July 24,
[1991, for work done at
[1461 Page Street.
[APPLICATION NO. 9106470.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,000.00.

SPEAKERS: Allen Pross, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-147

(10) JEAN CHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[August 1, 1991, for work
[done at 642 Head Street.
[APPLICATION NO. 9111011.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Vice President Prior, Commissioner Melbostad dissented) to uphold the department and sustain the penalty. Then on motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,000.00.

SPEAKERS: Jean Chan, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-148

(11) GERRARDO TORRES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[July 23, 1991, for work
[done at 55 Broad Street.
[PLUMBING PERMIT NO. 11314.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 2-3 (President Marks, Vice President Prior, Commissioner House dissented)

to overrule the department with the condition that the penalty be reduced to two times the regular fee of $179.25 for a total of $358.50. Then on motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $900.00.

SPEAKERS: Gerrardo Torres, appellant; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Edith Waters, adjoining property owner.

APPEAL NO. 91-156

(12) JAMES G. VIERLING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August 1, 1991, to Golden Prosperities, Inc., permit to Demolish a Building at 655 - 657 Francisco Street. APPLICATION NO. 9108703. FOR HEARING TODAY.

ACTION: **WITHDRAWN** by attorney for appellant at the meeting before this item was called for hearing.

The Board recessed from 7:35 to 7:49 p.m.

APPEAL NO. V91-138

(13) PEARL G. FONG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on July 17, 1991, of Rear Yard Variance sought for property located at 1806-08 - 9th Avenue. VARIANCE CASE NO. 91.001V. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator; and Pearl Fong, appellant.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Victor Makras concerning action being taken in removal of a chain-link fence at Lake Merced Boulevard. Executive Director requested to send letter to Bureau urging enforcement of the Board action.

There being no further business, President Marks adjourned the meeting at 8:00 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 11, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Items 3A and 3B shall be heard together

APPEAL NO. 91-152

(3A) ARTHUR A. CIVELLO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1991, to Kit and Jennifer Lau,
[permit to Alter a Building at
[278 Stonecrest Drive.
[APPLICATION NO. 9103247S.
[FOR HEARING TODAY.

APPEAL NO. 91-154

3B) JAMES & KYONG BRADY, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1991, to Kit and Jennifer Lau,
[permit to Alter a Building at
[278 Stonecrest Drive.
[APPLICATION NO. 9103247S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mr. Civello, appellant's son; James Brady, appellant; Lincoln Lue, architect for permit holder; Jennifer Lau, permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-142

(4) RANDALL BOSTWICK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 23, 1991, for work
[done at 265 Fell Street.
[APPLICATION NO. 9109960.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department **SUSTAIN** the penalty.

SPEAKERS: Randall Bostwick, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-149

(5) KUNG KAI TANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on
[August 7, 1991, for work
[done at 506 - 508 5th Avenue.
[APPLICATION NO. 9021416.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $97.50 for a total of $195.00.

SPEAKERS: Kung Kai Tang and Mrs. Tang, appellant's wife; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-145

(6) MICHAEL JON GRAY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 31, 1991, of
[permit to Alter a Building
[at 4367 - 25th Street.
[APPLICATION NO. 9022198.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department and **GRANT** the permit and allow the downstairs bathroom with the **CONDITION** that the ground floor door is completely sealed.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Michael Gray, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-141

(7) DONALD MOREHEAD, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on July 18, [1991, to Krist and Laurie Jake, [permit to Alter a Building [at 2719 Filbert Street. [APPLICATION NO. 9019693S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Donald Morehead and Irving Zaretsky appellants; John McInerney, attorney for permit holder; John and Inga Conrad, Barbara Bondshu, in opposition to the project; Laurie Jake, permit holder; Heidi Richardson, architect for permit holder; and Joe O'Donoghue, in favor of the project.

The Board recessed from 7:10 to 7:25 p.m.

APPEAL NO. 91-143

(8) JOEL BRAVERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on July [16, 1991, to Martin Gaehwiler, [permit to Erect a Structure [at 420 Masonic Avenue. [APPLICATION NO. 9014551. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS:** that the permit holder shall cooperate with the adjacent property owners to develop, then pay for and implement a landscaping plan for the rear yards of 420 and 430 Masonic Avenue and the adjacent properties, if the owners consent, and shall consult with the adjacent property owners on the colors of both buildings.

SPEAKERS: Joel Braverman, appellant; Bruce Baumann, architect for permit holder; Gregory Salas, Ilka Hartmann, Fran Harris, Tess Norlin, Evelyn Martin,

in opposition to the project; Joe O'Donoghue, in favor of the project; James Joyce, project manager for permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-144

(9) WILLIAM & JOSEPHINE POWERS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 26, 1991, to Kam Cheuk and Yau Mui Chan, permit to Alter a Building at 2454 - 25th Avenue. APPLICATION NO. 9103489. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: William Powers, appellant; Hawk Lee, architect for permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-151

(10) LES NATALI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 29, 1991, to Urho and Irma Tuominen, permit to Alter a Building at 3719 - 16th Avenue. APPLICATION NO. 9100190. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with stipulations agreed to by the parties. The rear yard barbeque and trellis shall be deleted from the plans.

SPEAKERS: Les Natali presented the signed stipulated agreement for the parties.

APPEAL NO. V91-139

(11) HARLAN HOFFMAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on July 19, 1991, of Off-Street Parking Variance sought for property located at 3361-63 - 21st Street. VARIANCE CASE NO. 91.057V. FOR HEARING TODAY.

ACTION: After discussion, upon by Commissioner Makras, the Board voted 3-2 (President Marks and Vice President Prior dissented) to overrule the Zoning Administrator and grant the variance with findings. Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the Zoning Administrator with the **CONDITION** that the unit

be tied to the HUD-defined moderate income guidelines and the appellant shall provide a five-year parking lease and shall record a notice of special restrictions with these conditions.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Harlan Hoffman, appellant; Hilda Bernstein, Marvin Bernstein, John Barbey and Roberta Scarcello, in favor of the project.

The Board recessed from 9:55 to 10:00 p.m.

APPEAL NO. V91-140

(12) ROGER HERRERA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on July 19, 1991, of
[Off-Street Parking Variance
[sought for property located
[at 430 Holloway Avenue.
[VARIANCE CASE NO. 91.015V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the unit is tied to the HUD-defined low income guidelines. The Board adopted the findings prepared by the appellant.

SPEAKERS: Robert Passmore, Zoning Adminstrator for the Department of City Planning; Wayne Rieke, planning consultant for appellant; Roger Herrera, appellant; Jeannette Frank, Howard Leppo and Joe O'Donoghue, in favor of the project.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Laurence Kornfield discussed progress of enforcement procedures being taken to remove the chain-link fence at 1100 Lake Merced Blvd. The condominium complex totals 200 units and all owners must be served which involves a $25,000.00 title search to be billed to the owner condominium association.

There being no further business, President Marks adjourned the meeting at 10:25 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 2, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from the Sunset Residents Association requesting that the Board take jurisdiction over Building Permit Application No. 9000079S to alter a building at 1501 - 24th Avenue.

Date of issue	March 27, 1991
Appeal period ended	April 12, 1991
Request for jurisdiction	September 5, 1991

ACTION: After discussion, upon motion by Commmissioner House, the Board voted 5-0 to **GRANT** jurisdiction and scheduled it for **October 9, 1991.** Then on motion by Commissioner Makras, the Board voted 5-0 to waive the appeal fee.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Mary Ann Miller of the Sunset Residents Association.

ITEM B: Letter from Alice Ducayet and David Kroll, requesting that the Board take jurisdiction over issuance of Building Permit Application No. 9114123 to alter a building at 1598 Treat Avenue.

Date of issue	August 22, 1991
Appeal period ended	September 6, 1991
Request for jurisdiction	September 10, 1991

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKER: Jay Clem, permit holder.

ITEM C: Letter from Paul Smith, requesting that the Board take jurisdiction over denial of front setback, unscreened parking and parking encroachment variances sought for property located at 20 Tucker Avenue.

Date of denial	August 13, 1991
Appeal period ended	August 23, 1991
Request for jurisdiction	September 18, 1991

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **GRANT** jurisdiction. Mr. Smith has 10 days to file an appeal.

REQUESTS FOR REHEARING:

ITEM D: Letter from Donald Morehead, appellant requesting rehearing of Appeal No. 91-141, 2719 Filbert Street. Hearing September 11, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM E: Letter from James Brady, appellant requesting rehearing of Appeal No. 91-154, 278 Stonecrest Drive. Hearing September 11, 1991. After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM F: Letter from Joel Braverman, appellant requesting rehearing of Appeal No. 91-143, 420 Masonic Avenue. Hearing September 11, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS:** that the permit holder shall cooperate with the adjacent property owners to develop, then pay for and implement a landscaping plan for the rear yards of 420 and 430 Masonic Avenue and the adjacent properties, if the owners consent, and shall consult with the adjacent property owners on the colors of both buildings.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **DENY** the request for hearing.

SPEAKERS: George Perkins, opposed to the project; Bruce Baumann, for permit holder.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Mary Ann Miller, Sunset Residents Association; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Stanley Glantz, Ph.D.; and William Lambert.

Items 3A and 3B were heard together

APPEAL NO. 91-046

(3A) STEVE DOBBINS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [March 1, 1991, to FIMSA West, [permit to Alter a Building [at 650 Geary Street. [APPLICATION NO. 9023994. [FOR FURTHER HEARING TODAY.

APPEAL NO. 91-057

(3B) STEVE DOBBINS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [March 27, 1991, to FIMSA West, [permit to Alter a Building [at 650 Geary Street. [APPLICATION NO. 9101762. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to grant the permits with **CONDITIONS**. Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **GRANT** the permits with the additional optional **CONDITION** that a donation of $100,000.00 be made to the Mayor's Office of Housing in exchange for an expedited Certificate of Occupancy for the housing units.

SPEAKERS: Jonathan Bass, attorney for permit holder; M'Liz Callender, permit holder; Bill Pearson, architect for permit holder; Steve Dobbins, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 8:07 to 8:25 p.m.

APPEAL NO. 91-137

(4) SUNITA DUTT, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Appealing for Refund of [Penalty imposed on July 24, [1991, for work done at [371 Diamond Street. [APPLICATION NO. 9102872. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Sunita Dutt, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-160

(5) HIROSHI TANABE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on August 21,
[1991, for work done at
[2084 Chestnut Street.
[APPLICATION NO. 9102301.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the penalty be nine times the revised fee of $203.78 for a total of $1,834.02 as recommended by Mr. Kornfield.

SPEAKER: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection. The appellant did not appear.

APPEAL NO. 91-161

(6) CARLOS RIOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 22, 1991, for work
[done at 84 Exeter Street.
[APPLICATION NO. 9023752.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Carlos Rios, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-163

(7) RICARDO BEACON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 28, 1991, for work
[done at 228 - 230 Divisadero St.
[APPLICATION NO. 9100319.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Ricardo Beacon, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-155

(8) JERRY KLEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 5, 1991,
[of permit to Alter a Building
[at 507-509 - 35th Avenue.
[APPLICATION NO. 9106108.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-3 (Vice President Prior, Commissioners House and Melbostad dissented) to uphold the department and deny the permit. Then on motion by Commissioner House, the Board voted 4-1 (President Marks dissented) to **CONTINUE** the matter to **November 13, 1991** for submittal of plans for a single family house.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, appellant; and Eric Firstman, attorney for permit applicant.

APPEAL NO. 91-162

(9) JOSEPH COHEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 12, 1991,
[of permit to Alter a Building
[at 100 Powell Street.
[APPLICATION NO. 9110040.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Alfred Sanchez, for appellant.

(10) **Public Comment:** Presentation shall be limited to three (3) miniutes for each speaker.

SPEAKERS: The Executive Director reported on a request by Stanton Glantz that the Board call up Appeal No. 91-074 to the calendar after work has been completed on the garage building under the application recently approved by the Planning Department. The Board declined to discuss the matter.

Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for Department of City Planning; and Joel Braverman.

There being no further business, President Marks adjourned the meeting at 9:56 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 9, 1991
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Peter Fu, permit holder requesting rehearing of Appeal No. 91-100, 466 Frederick Street. Hearing July 17, 1991. After discussion, upon motion by President Marks the Board voted 3-2 (Vice President Prior and Commissioner Makras dissented) to overrule the department and deny the permit. Four votes are needed and the permit is upheld. Then on motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with the **CONDITION** that the enlarged units are tied to the HUD-defined moderate income level and registered with the Mayor's Office of Housing.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKER: Peter Fu, permit holder.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection reporting on the projects at 1231 - 24th Avenue and 118 Taraval Street; Robert Passmore, Zoning Administrator for Department of City Planning; John Parker, and Frank Chiu.

APPEAL NO. 91-168

(3) BIO PLAS, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[22, 1991, to Yury Taxerman,
[permit to Demolish a Building
[at 161-163 - 4th Avenue.
[APPLICATION NO. 9014196.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department with **CONDITIONS** contained in the agreement letter between the permit holder and appellant dated September 19, 1991.

SPEAKER: Jerry Klein, for permit holder.

APPEAL NO. 91-167

(4) SEMYON PORTNOY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 4, 1991, for work
[done at 674 - 42nd Avenue.
[APPLICATION NO. 9009479.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners House and Makras dissented) to overrule the department with the condition that the penalty be reduced to a total of $1,500.00. Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,000.00.

SPEAKERS: Semyon Portnoy, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-172

(5) CRAIG SMITH, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 29, 1991, for
[work done at 825 Sutter Street.
[APPLICATION NO. 8715532.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **November 20, 1991** at the request of appellant.

APPEAL NO. 91-175

(6) JANINE VALLEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[September 11, 1991, for work
[done at 2638 Hyde Street.
[APPLICATION NO. 8910792.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $70.20 for a total of $140.40.

SPEAKERS: Janine Vallee, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

Commissioner Makras departed the hearing at 6:27 p.m.

APPEAL NO. 91-176

(7) TED SIU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[September 11, 1991, for work
[done at 487 - 16th Avenue.
[APPLICATION NO. 9103407.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 to uphold the department and **SUSTAIN** the penalty.

SPEAKERS: Ted Siu, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-169

(8) EDWIN LUM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 21, 1991,
[of permit to Alter a Building
[at 148 - 18th Avenue.
[APPLICATION NO. 9111261.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 2-2 (Vice President Prior and Commissioner Melbostad dissented) to **UPHOLD** the department and **DENY** the permit. Four votes are necessary to overrule a department.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Michael O'Brien, architect for permit applicant; Hiroshi Fukuda, in opposition; Edwin Lum permit applicant; and Judith Boyajian, Deputy City Attorney.

Commissioner Makras returned to the hearing at 6:50 p.m.

APPEAL NO. 91-171

(9) TERESITA BENITEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 22, 1991,
[of permit to Alter a Building
[at 285 Santa Ana Avenue.
[APPLICATION NO. 9012358.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: David Lindsay, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Maria Banico, appellant's niece.

The Board recessed from 7:05 to 7:20 p.m.

Items 10A and 10B shall be heard together

APPEAL NO. 91-166

(10A) SUNSET RESIDENTS ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on August [15, 1991, to Phat Kim Phung, [permit to Alter a Building at [1501 - 24th Ave. (dry rot repair) [APPLICATION NO. 9114743. [FOR HEARING TODAY.

APPEAL NO. 91-192

(10B) SUNSET RESIDENTS ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on March [27, 1991, to Phat Kim Phung, [permit to Alter a Building at [1501 - 24th Ave. (add second unit) [APPLICATION NO. 9000079S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to **REVOKE** APPLICATION NO. 9114743 (dry rot repair) and **CONTINUE TO CALL OF THE CHAIR** APPLICATION NO. 9000079S (add second unit) pending action by Superintendent Larry Litchfield for unlawful demolition.

SPEAKERS: William Lambert, appellant; Jimmy Jen, architect for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Steve Zieman, Mary Ann Miller, Laurie King, Frank Leeds, John Bardis and Hiroshi Fukuda, in opposition to the project; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. V91-157

(11) JACKSON & SUE LOOS, Appellant vs. ZONING ADMINISTRATOR, Respondent

[Appealing conditions of Rear Yard [and Usable Open Space Variance [sought for property located [at 117 Caselli Avenue. [VARIANCE CASE NO. 91.098V. [FOR HEARING TODAY.

ACTION: Upon motion of Commissioner House, the Board voted 5-0 to excuse Commissioner Melbostad from proceedings on this matter. After discussion, upon motion by Commissioner Makras, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance with **NO CONDITIONS.**

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jack and Sue Loos, appellants; and David Shaber, in opposition to the project.

Commissioner Makras departed the hearing at 7:47 p.m

APPEAL NO. V91-165

(12) FRANCES J. WILKINSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 23, 1991, to Keung Ku, of Front Setback and Rear Yard Variance sought for property located at 274 Girard Street. VARIANCE CASE NO. 90.320V. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-0 to **UPHOLD** the Zoning Admnistrator with the **CONDITION** that the second floor addition be set back eight feet from the side of 266 Girard Street.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Tom Hui, for variance holder; and Mr. and Mrs. Wilkinson, appellants.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Judith Boyajian, Deputy City Attorney reporting on the status of the Alcazar Theater.

There being no further business, President Marks adjourned the meeting at 9:10 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 30, 1991
5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
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PUBLIC LIBRARY

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from the Concerned Residents of the Richmond District requesting that the Board take jurisdiction over Building Permit Application No. 9015646S to alter a building at 8/9 - 39th Avenue.

Date of issue	August 1, 1991
Appeal period ended	August 16, 1991
Request for jurisdiction	October 11, 1991

Note: On September 4, 1991 the Board declined to take jurisdiction over this permit on a request by Johnny Hong.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Marks, Vice President Prior and Commissioner Makras dissented) to grant jurisdiction. Four votes are needed and the request is **DENIED**.

REQUESTS FOR REHEARING:

ITEM B: Letter from Jonathan R. Bass, attorney for permit holder, requesting rehearing of Appeal Nos. 91-046 and 91-057, 650 Geary Street, Alcazar Theatre. Hearing October 2, 1991. After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS.** Then on motion by Commissioner Makras, the Board voted 4-1 (President Marks dissented) to **GRANT** the permits with the additional optional **CONDITION** that a donation of $100,000.00 be made to the Mayor's Office of Housing in exchange for an expedited Certificate of Occupancy for the housing units.

ACTION: **WITHDRAWN** prior to hearing by Jonathan R. Bass, attorney for permit holder.

ITEM C: Letter from Robert W. Passmore, Zoning Administrator for Department of City Planning, requesting rehearing of Appeal No. V91-157, 117 Caselli Avenue. Hearing October 9, 1991. Upon motion of Commissioner House, the Board voted 5-0 to excuse Commissioner Melbostad from the proceedings on this matter. After discussion, upon motion by Commissioner Makras, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance with **NO CONDITIONS.**

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-1 (President Marks dissented and Commissioner Melbostad was excused from vote) to **DENY** the request for rehearing.

SPEAKER: Judith Boyajian, Deputy City Attorney.

REQUESTS CONCERNING SCHEDULING OF REHEARING FOR APPEAL NO. 91-074, 1472 - 24th AVENUE:

ITEM D: Letter from D. Dewey Watson, attorney for permit holder, dated October 16, 1991, requesting that the rehearing be scheduled as soon as possible. Letter from Robert W. Passmore, Zoning Administrator, dated October 16, 1991, requesting that the rehearing be scheduled after all work under Building Permit Application No. 9106799 has been completed for the garage in the rear.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Marks dissented) to schedule the rehearing for **November 13, 1991.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Rosa Frith and William Lambert; Commissioner Ralph House reported on the opening of Robert B. Pitts Plaza, 203 units of affordable housing (formerly Yerba Buena Plaza West) at Turk and Eddy Streets.

Items 3A and 3B were not heard because the request for rehearing (Item B) was withdrawn.

APPEAL NO. 91-046

(3A) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 1, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9023994.
[FOR REHEARING TODAY.

APPEAL NO. 91-057

(3B) STEVE DOBBINS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 27, 1991, to FIMSA West,
[permit to Alter a Building
[at 650 Geary Street.
[APPLICATION NO. 9101762.
[FOR REHEARING TODAY.

APPEAL NO. 90-101

(4) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990, [of Pedicab Owner permit for [additional route in Chinatown. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 3-2 (Commissioners Makras and Melbostad dissented) to **UPHOLD** the department.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Sergeant Thomas Greene, ISCOTT; Christopher Hall, attorney for appellant; and Rama Ananda, appellant.

APPEAL NO. 91-179

(5) SOMER KAI TOY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on [September 16, 1991, for work [done at 483 Broadway Street. [APPLICATION NO. 9107982. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $565.83 for a total of $1,131.66.

SPEAKERS: Somer Kai Toy, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-185

(6) HERBERT HIRSCH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty [imposed on September 19, 1991, [for work done at 572 - 47th Ave. [APPLICATION NO. 9116686. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $96.85 for a total of $193.70.

SPEAKERS: Herbert Hirsch, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-187

(7) SEAVIEW CONSTRUCTION, INC.
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on [September 25, 1991, for work [done at 715 Peru Avenue. [APPLICATION NO. 9114685. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (Vice President Prior and Commissioner Melbostad dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

SPEAKERS: Robert and Gary Chalstrom, appellants; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 6:56 p.m. to 7:10 p.m.

APPEAL NO. 91-146

(8) YEE LOK WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Disapproval by the Department
[of City Planning on July 22,
[1991 of building permit appli-
[cation to establish the legal
[use of a second dwelling unit
[at 182 Byxbee Street.
[APPLICATION NO. 9007499.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the following **CONDITIONS:** the appellant shall revise the plans to totally remove the basement-lobby door, its frame and the wall around it and in its place design an archway to the social room; the railing on the stairway from the ground level lobby to the main living space above shall remain a railing and not be built as a wall; the basement kitchen shall be entirely eliminated and removed; the appellant shall record a Notice of Special Restrictions upon the land records which contains these conditions on a form acceptable to the Department of City Planning and after recordation shall submit copies of the notice to both the Board of Permit Appeals and to the Department of City Planning.

SPEAKERS: Yee Lok Wong, appellant; and Barry Pearl, Planner for Department of City Planning.

APPEAL NO. 91-180

(9) JOSHUA G. COOPERMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 3, 1991,
[of permit to Alter a Building
[at 525 - 29th Street.
[APPLICATION NO. 8903656.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department.

SPEAKERS: Russell Lombard, attorney for appellant; Barry Pearl, Planner for Department of City Planning; Joshua Cooperman, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-184

(10) PETER CHI, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 5, 1991,
[of Health Permit Application
[referral for wholesale sales and
[storage which is not permitted
[in the Washington-Broadway
[Special Use District No. 1
[at 1 Rowland Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department for a period of four years or the length of the lease, which ever is less.

SPEAKERS: Rich Owyang, attorney for appellant; Barry Pearl, Planner for Department of City Planning; and Gordon Lau, for property owners.

APPEAL NO. 91-150

(11) ANDRE-BOUDIN BAKERIES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 30,
[1991, to The Shorenstein Company,
[permit to Demolish a Building
[at 37 - 39 Drumm Street.
[APPLICATION NO. 9011925.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing with agreement of the parties to **January 8, 1992.**

APPEAL NO. 91-178

(12) ANTHONY L. FEUDO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[30, 1991, to PFW Associates,
[Inc., permit to Alter a
[Building at 570 Page Street.
[APPLICATION NO. 9109354.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS:** (1) The Bureau of Building Inspection (BBI) is directed to enforce the conditions imposed by the Board of Permit Appeals with its decision over the prior appeal on this project, Appeal No. 90-254, upholding Building Permit Application No. 9005645. (2) BBI shall set guidelines for the contractor's temporary security walls around the project site is that both the project and the neighbors will be secure during the construction period. With necessary adjustments as directed by BBI, the walls shall be 4 x 8' boards secured so that people can walk around them; 2' x 4' boards, 18 inches apart mounted onto the wall; one or two doors made of 4' x 8' boards that open like barn doors where the workers can enter and exit;

at night secure the doors with locks to keep out trespassers. (3) The permit holder shall post a sign on the security wall facing the street with an emergency telephone number which can be used by concerned neighbors and he shall deal with emergencies immediately. (4) The permit holder shall give copies of all evaluations of adjacent properties, prior to and through final construction, to all the adjacent property owners. (5) The permit holder shall check the job site at the end of the day to insure it is secure until the next work day.

SPEAKERS: Anthony Feudo, appellant; Paul Woo, permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Marty O'Connell, Deborah Duncanson, Thomas Tate, Pamela Smith, Michael McPartland, in opposition; and Mark Pierce, architect for permit holder.

Commissioner Makras departed the hearing at 9:15 p.m.

APPEAL NO. 91-181

(13) GERALD McCALLUM & JOHN LEIRA, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September 11, 1991, to Paul Davis, permit to Alter a Building at 4203 Army Street. APPLICATION NO. 9102658. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior the Board voted 3-1 (Commissioner House dissented, Commissioner Makras absent) to uphold the department with the condition that a hinged gate be installed with lock in the property line fence. Then on motion by Commissioner House, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department with the **CONDITION** that a hinged gate with lock be installed in the property line fence with a **PRE-CONDITION** that the appellants provide 8" riser steps from the hinged gate to the yard below.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Gerald McCallum, appellant; Paul Davis, permit holder; Rodrigo Santos, engineer for permit holder; and Meriel Lindley, attorney for appellants.

APPEAL NO. 91-182

(14) MELECIO & MARY SANTOS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September 12, 1991, to Michael Murray, permit to Alter a Building at 561 Los Palmos Drive. APPLICATION NO. 9114403. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department with findings.

SPEAKERS: Mark Goldrosen, attorney for appellant; Joe O'Donoghue, for permit holder; Grace Schlanze and Lenora Atherton, in favor of the project; and Melecio Santos, appellant.

APPEAL NO. 91-174

(15) J. ALFRED RIDER, Appellant
vs.
ZONING ADMINSTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 27,
[1991 that Conditional Use
[Authorization is required to
[establish use of the property
[at 7 Hill Point Avenue as five
[bedrooms of group housing.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Marks, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the determination.

SPEAKERS: Larry Sussman, attorney for appellant; Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and John Bardis, in opposition to the project.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 10:52 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 13, 1991
5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
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PUBLIC LIBRARY

PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Rosa Frith requesting that the Board take jurisdiction over Building Permit Application No. 9010973 to alter a building at 674 - 29th Street.

Date of issue	August 2, 1991
Appeal period ended	August 19, 1991
Request for jurisdiction	October 22, 1991

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **GRANT** jurisdiction. Ms. Frith has 15 days to file an appeal.

SPEAKERS: Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection and Robert Passmore, Zoning Administrator for Department of City Planning; Jeffrey Maso, permit holder and Rosa Frith, requestor.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-155

(3) JERRY KLEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 5, 1991,
[of permit to Alter a Building
[at 507-509 - 35th Avenue.
[APPLICATION NO. 9106108.
[FOR FURTHER HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated November 12, 1991.

APPEAL NO. 90-281

(4) ERWIN G. SWETT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 10, 1990, of
[permit to Demolish a Building
[at 2551 - 2557 Mission Street.
[APPLICATION NO. 9002283.
[SUPERIOR COURT NO. 932-398.
[FOR RECONSIDERATION PURSUANT TO
[SETTLEMENT OF LITIGATION.

ACTION: Upon motion by Commissioner Melbostad, the Board voted 5-0 to **ADOPT** findings and decision as submitted by the City Attorney. This action rescinded the Board's decision of February 6, 1991 and **UPHELD** the demolition permit on **CONDITION** that no actual demolition take place until a permit is issued for a replacement building on the site.

APPEAL NO. 91-074

(5) STANTON A. GLANTZ, PH.D., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 24, 1991, to Raymond
[Yee, permit to Alter a Build-
[ing at 1472 - 24th Avenue.
[APPLICATION NO. 9102813.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Makras dissented) to **UPHOLD** the department with the following **CONDITIONS:** (1) the permit is suspended until all work is completed on the garage; (2) the stair connecting the basement to the main level is to be moved to the rear of the building (rear of the kitchen on second level and in family room on basement level); (3) the basement bathroom may have a shower but no tub.

SPEAKERS: Stanton Glantz, appellant; D. Dewey Watson, attorney for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; John Parker, Dorothy Sheinfeld, Barbara Kent and Evelyn Wilson, in opposition; and Raymond Yee, permit holder.

APPEAL NO. 91-111

(6) JOHN J. PRIOR, dba "SWINGING DOOR",
Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Appealing conditions of
[Place of Entertainment
[permit granted on June 5,
[1991 for property located
[at 1334 Noriega Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Officer William Arietta, Noise Abatement; William Murphy, attorney for appellant; Leo Henderson, sound engineer for appellant; and Laura Chaney, Mike and Pat Flagiello, John Walters, Steve and Sharon Solomon, in opposition; Eugene Bea, Hugh Mitchell, Joe O'Donoghue and Hugh McGettigan for appellant; and John Prior, appellant.

The Board recessed from 7:29 p.m. to 7:45 p.m.

APPEAL NO. 91-190

(7) JAMES CAROLAN, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 30, 1991, for work
[done at 442A - 31st Avenue.
[APPLICATION NO. 9113697.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $173.23 for a total of $346.46.

SPEAKERS: James Carolan, appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-196

(8) RICHARD JORDAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 9, 1991, for work
[done at 4161 - 23rd Street.
[APPLICATION NO. 9000929.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $100.43 for a total of $200.86

SPEAKERS: Larry Paul, architect for appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

Commissioner Makras departed the hearing at 8:12 p.m.

APPEAL NO. 91-194

(9) STU ETZLER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September
[20, 1991, to Marie Mercurio,
[permit to Alter a Building
[at 1918 - 15th Street.
[APPLICATION NO. 9110296.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department with the **CONDITION** that the plans be revised so that the height and width of the proposed wall shall be no more than minimum dimensions under the Building Code.

SPEAKERS: Stu Etzler, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Thomas Fitzgerald, engineer for permit holder; Lester Garrison and Gerald Gibbons, contractors for permit holder.

APPEAL NO. 91-177

(10) MARK JANSEN, et al., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated September 3, 1991 that a violin repair shop is permitted as a principal use on the first floor, needs conditional use authorization to operate on the second floor and is not permitted at all on the third or higher floor in the building at 549 - 553 Divisadero Street in an NC-2 zoning district. FOR HEARING TODAY.

ACTION: Upon motion by President Marks, the Board voted 4-1 (Commissioner Makras dissented) to **CONTINUE** the matter to **December 11, 1991** at the request of appellant (David Cincotta, Esq.) with agreement of respondent (Robert Passmore).

APPEAL NO. V91-195

(11) PAUL SMITH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 13, 1991, of Front Setback, Unscreened Parking and Parking Encroachment Variances sought for property located at 20 Tucker Avenue. VARIANCE CASE NO. 91.236V. FOR HEARING TODAY.

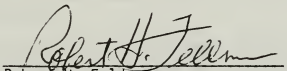
ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 2-2 (President Marks and Commissioner House dissented, Commissioner Makras absent) to overrule the Zoning Administrator and grant the variance. Four votes being necessary, the denial is **UPHELD.**

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Paul Smith, appellant.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Vice President Beverly Prior requested that penalty appeals be scheduled at the beginning of the meeting before controversial matters.

There being no further business, President Marks adjourned the meeting at 9:16 p.m.



Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 20, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 91-172

(3) CRAIG SMITH, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 29, 1991, for
[work done at 825 Sutter Street.
[APPLICATION NO. 8715532.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

SPEAKERS: Charles Flannery, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-200

(4) SUHEIL TOTAH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 30, 1991, for work
[done at 320 Duncan Street.
[APPLICATION NO. 9101125.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $110.83 for a total of $221.66.

SPEAKERS: Suheil Totah, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-202

(5) JUAN F. HERRERA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 17, 1991, for work
[done at 115 Athens Street.
[APPLICATION NO. 9105517.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the full penalty.

SPEAKERS: Juan Herrera, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-191

(6A) SHIRLEY YANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Imposition of Penalty on
[September 18, 1991, for work
[done at 491-493 - 11th Avenue.
[APPLICATION NO. 9025560.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 3-2 (President Marks and Vice President Prior dissented) to **UPHOLD** the department and **SUSTAIN** the full penalty.

SPEAKERS: Shirley Yang, appellant; Pamela Lo, appellant's daughter; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-193

(6B) SHIRLEY YANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 18, 1991,
[of permit to Alter a Building
[at 491-493 - 11th Avenue.
[APPLICATION NO. 9025560.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Shirley Yang, appellant; Pamela Lo, appellant's daughter; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-197

(7) SHARON LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 1, 1991, to Jon Jernigan,
[permit to Alter a Building at
[3179 California Street.
[APPLICATION NO. 9115025.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (Vice President Prior, Commissioners Makras and Melbostad dissented) to overrule the department and revoke the permit. Then on motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the **CONDITION** that the property line wall be painted white or a light color in consultation with the neighboring property owners.

SPEAKERS: Sharon Lee, appellant; Jon Jernigan, permit holder; Robin Bishop, Diane Vasilou, in opposition; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 91-198

(8) ROBERT & MARILYN PULVINO, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 27, 1991, to Ondyn
[and Esther Herschelle, permit
[to Demolish a Building
[at 989 Folsom Street.
[APPLICATION NO. 9025546.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Marks and Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Dennis Isaac, attorney for appellant; Robert Pulvino, appellant; Stephen Camber, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Esther and Ondyn Herschelle, permit holders; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 91-199

(9) LINDA FIMRITE & MARCIA HILL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY APPROVAL

[Protesting issuance on
[October 4, 1991, to the
[Government of Australia,
[permit to Remove Two Trees
[at 3580 Jackson Street.
[ORDER NO. 157,745.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated November 15, 1991.

The Board recessed from 7:46 p.m. to 7:54 p.m.

APPEAL NO. 91-201

(10) RON MacRAE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 3, 1991, to Nihon
[Machi Parking Corporation,
[permit to Construct a Parking
[Lot at 616 Hemlock Street.
[APPLICATION NO. 9102646.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 2-3 (President Marks, Commissioners House and Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Michael Hall, attorney for appellant; and Masao Ashizawa and Allan Okimoto, permit holders.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: None.

There being no further business, President Marks adjourned the meeting at 8:16 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 11, 1991
4:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Kate Hermann, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Informational presentation by Larry Litchfield, Superintendent, Bureau of Building Inspection on the subject of the Bureau's enforcement of the Codes, plans and Board conditions.

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Sharon Lee, appellant, requesting rehearing of Appeal No. 91-197, 3179 California Street. Hearing November 20, 1991. After discussion, upon motion by Commissioner House, the Board voted 2-3 (Vice President Prior, Commissioners Makras and Melbostad dissented) to overrule the department and revoke the permit. Then on motion by Vice President Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with the **CONDITION** that the property line wall be painted white or a light color in consultation with the neighboring property owners.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 1-3 (President Marks, Vice President Prior and Commissioner Melbostad dissented, Commissioner Makras absent) to grant rehearing. Four votes are needed and the request is **DENIED**.

SPEAKER: Sharon Vasiliou for appellant.

ITEM B: Letter from Dennis Issac, attorney for appellants, requesting rehearing of Appeal No. 91-198, 989 Folsom Street. Hearing November 20, 1991. After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Marks and Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-0 (Commissioner Makras absent) to **DENY** the request for rehearing.

SPEAKERS: Dennis Isaac, attorney for appellants; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Commissioner Makras left the room at 5:06 p.m. and returned at 5:56 p.m.

APPEAL NO. 91-216

(4) EUGENE DeMAR, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Protesting issuance on October [28, 1991, to Camnhung T. Dang, [dba San Francisco Underground [Cabaret, Place of Entertainment, [Billiard Parlor, Mechanical [Amusement Device, Dance Hall Keeper [permits at 450 Harrison Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the parking lease be tied to the life of the use with additional **CONDITIONS** stated in the memorandum from S.F.P.D., dated December 11, 1991 and Department of City Planning dated November 20, 1991.

SPEAKERS: Eugene DeMar, appellant; Robert Passmore, Zoning Administrator for Department of City Planning, Thomas Steel, attorney for permit holder; Jeffrey Barker, attorney for S.F.P.D.; Michael Gilmore, permit holder's husband; David Dean and Tom Pullilen, in favor of the project; Lynn Krashanoff, Charlie Muller, Robert Donnelly, Harlow Babaek, Paul Fisher, Chris Zalaski, Alice Carey, S.F.P.D. Captain Michael Yalon, Lynne Gilbertson, in opposition.

Items 5 and 6 were taken before Item 4.

APPEAL NO. 91-207

(5) MINOO J. WRITER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on [October 21, 1991, for work [done at 27 Wanda Avenue. [APPLICATION NO. 9114856. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Minoo Writer, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:15 to 7:30 p.m.

APPEAL NO. 91-209

(6) HOWARD ROFFMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 25, 1991, for work
[done at 144 Scott Street.
[APPLICATION NO. 9013151.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Gary Bell, agent for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-210

(7) RALPH J. McCOY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on October
[30, 1991, for work done at
[548 - 550 Central Avenue.
[APPLICATION NO. 9104426.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** at the request of Laurence Kornfield, Chief Building Inspector, for Bureau of Building Inspection as the penalty was assessed in error. It is expected that this appeal will be withdrawn.

SPEAKER: Commissioner Makras requested that the staff refund the appeal fee in this case if it appears the City erred in imposing a penalty.

APPEAL NO. 91-186

(8) DONALD BIGGS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 9, 1991,
[of permit to Alter a Building
[at 295 Buchanan Street.
[APPLICATION NO. 9101500.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **OVERRULE** the department and allow retention of the toilet and sink with the **CONDITION** that the overall size of the bathroom is reduced.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Donald Biggs, appellant; Bright Winn, plumber and John Campbell, architect for appellant.

Items 9A and 9B were heard together

APPEAL NO. 91-203

(9A) JOE RIZZUTO, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

[Denial on October 8, 1991, [of permit to Erect a Sign [at 2299 Van Ness Avenue. [APPLICATION NO. 9116403. [FOR HEARING TODAY.

APPEAL NO. 91-204

(9B) JOE RIZZUTO, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

[Denial on October 8, 1991, [of permit to Erect a Sign [at 2299 Van Ness Avenue. [APPLICATION NO. 9116404. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permits.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Mr. Ming Liu, for appellant; Sam Owyang and Charles Bret, in opposition to the project.

Items 10 and 11 were called after Item 3

APPEAL NO. 91-208

(10) MARK BERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

[Denial on October 16, 1991, [of permit to Alter a Building [at 149 Seal Rock Drive. [APPLICATION NO. 9018154. [FOR HEARING TODAY.

ACTION: **CONTINUED** by the Board to **January 8, 1992** at the request of the appellant with agreement of respondent.

SPEAKERS: Boris Berman, son of appellant; and Robert Passmore, Zoning Administrator.

Items 11A, 11B, 11C were heard together

APPEAL NO. 91-205

(11A) HERBERT D. KOSOVITZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October
[16, 1991, to Paul and Frank Woo,
[permit to Alter a Building
[at 30 - 32 Castle Street.
[APPLICATION NO. 8912746.
[FOR HEARING TODAY.

APPEAL NO. 91-206

(11B) HERBERT D. KOSOVITZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October
[16, 1991, to Paul and Frank Woo,
[permit to Alter a Building
[at 34 - 36 Castle Street.
[APPLICATION NO. 8912745.
[FOR HEARING TODAY.

APPEAL NO. 91-214

(11C) THOMAS J. CATALANO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October
[16, 1991, to Paul and Frank Woo,
[permit to Alter a Building
[at 34 - 36 Castle Street.
[APPLICATION NO. 8912745.
[FOR HEARING TODAY.

ACTION: Upon motion of Commissioner Melbostad, the Board voted 4-0 (Commissioner Makras absent) to **UPHOLD** the department and grant the permit with the **CONDITIONS** agreed upon by the parties in the letter of December 4, 1991.

SPEAKERS: Herbert Kosovitz and Thomas Catalano, appellants, were present but there was no testimony.

APPEAL NO. 91-220

(12) ROSA FRITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[2, 1991, to Jeffrey Maso,
[permit to Alter a Building
[at 674 - 29th Street.
[APPLICATION NO. 9010973.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and grant the permit with the **CONDITION** that the window be raised to a sill height of 2'6".

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Rosa Frith, appellant; Harry O'Brien, attorney for appellant; Bob Bolduch, permit holder's tenant; Evelyn Wilson, David Hooper and William Frith in opposition.

APPEAL NO. 91-177

(13) MARK JANSEN, et al., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning [Administrator dated September [3, 1991 that a violin repair [shop is permitted as a principal [use on the first floor, needs [conditional use authorization [to operate on the second floor [and is not permitted at all on [the third or higher floor in the [building at 549 - 553 Divisadero [Street in an NC-2 zoning district. [FOR HEARING TODAY.

ACTION: Upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning. The appellant did not appear.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 8:35 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 18, 1991
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Beverly Prior, Commissioners Ralph House, Victor Makras, and Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Gary Furney requesting that the Board take jurisdiction over Building Permit Application No. 9023519 to alter a building at 1335 Douglass Street.

Date of issue	October 30, 1991
Appeal period ended	November 14, 1991
Request for jurisdiction	December 2, 1991

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **DENY** the request for jurisdiction.

ITEM B: Letter from Raymond Chin requesting that the Board take jurisdiction over revocation of taxicab permit for nonpayment of annual license fee.

Date of revocation	October 16, 1991
Appeal period ended	October 31, 1991
Request for jurisdiction	December 2, 1991

ACTION: Request for jurisdiction **WITHDRAWN** by Raymond Chin.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Raymond Chin.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: None.

APPEAL NO. 91-212

(3) GERALD BASTIAN, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on October 16, 16, 1991, of Driver Public Vehicle permit dba "DeSoto Cab Company".
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reinstate the permit with the **CONDITION** that all back fees are paid.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Gerald Bastian, appellant; and Sergeant Stephen Tacchini, S.F.P.D.

APPEAL NO. 91-211

(4) HARRY HUEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on November 1, 1991, for work done at 3810-12 - 19th Street.
[APPLICATION NO. 9109777.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Harry Huey, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-215

(5) RAYMOND WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on November 8, 1991, for work done at 124 Rice Street.
[APPLICATION NO. 9017550.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Marks and Commissioner Makras dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $265.20 for a total of $530.40. Then on motion by Commissioner Melbostad, the Board voted 3-2 (President Marks and Commissioner Makras dissented) to overrule the department with the condition that the penalty be reduced to $1,000.00 plus the regular fee. Four votes are needed to overrule a department and the penalty is **SUSTAINED**.

SPEAKERS: Raymond Wong, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-224

(6) FRED M. HARTWICK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 18, 1991, for work
[done 660 Alvarado Street.
[APPLICATION NO. 9107009.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Fred Hartwick, appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-222

(7) KATHLEEN CHAPMAN & JOSEPHINE PYNE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November
[11, 1991, to Dean and Lisa Farwood,
[permit to Alter a Building at
[283 Jersey Street.
[APPLICATION NO. 8906607.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the southwest corner of the first floor be reduced by 3 x 3 feet at a 45° angle.

SPEAKERS: Kathleen Chapman and Josephine Pyne, appellants; Al Lanier, architect for permit holders; Dean and Lisa Farwood, permit holders; Margie and and Frank Lochran, Paul Kantous, Ruth Williams, Peggy Lenartowicz, in opposition; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:02 p.m. to 7:20 p.m.

APPEAL NO. 91-213

(8) GEORGE LARSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 16, 1991,
[of permit to Alter a Building
[at 4355-59 - 18th Street.
[APPLICATION NO. 8812182.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** department with the finding that the Board's decision of May 26, 1969, Appeal No. 5269, legalizing a fourth dwelling unit in the subject NCU retail space was in error and a violation of the Planning Code and therefore the Board now overrules the department to allow full use of the NCU space for the neighborhood-serving flower shop presently occupying the space.

SPEAKERS: David Lindsay, Department of City Planning; Adam Slote, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning;

APPEAL NO. 91-217

(9) INGA HORTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November 6, 1991, to Margaret A. Branch, permit to Alter a Building at 565 - 29th Street. APPLICATION NO. 9103200. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Inga Horton, appellant; and Margaret Branch, permit holder.

APPEAL NO. 91-218

(10) AILE PHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November 4, 1991, to Tu and Hung Long Lam, permit to Alter a Building at 2126 - 27th Avenue. APPLICATION NO. 9109021. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 4-1 (President Marks dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Sterling Luke, Aile Phan, Edwin Woods, appellants; Ted Evans, for permit holder; Tu Long, permit holder; and Allan Hong, in favor of the project.

APPEAL NO. 91-219

(11) DAVID GOLDMAN, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on October 31, 1991, to Coby Friedman and Josif Dubrovsky, site permit to Erect a Structure at 100 Berkeley Way. APPLICATION NO. 9025766S. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The permit holder shall deliver a copy of the soils report for the project to the appellant on December 19, 1991.

SPEAKERS: David Goldman, appellant; Robert Passmore, Zoning Administrator for

Department of City Planning; John Schlenke and Edgar McEachron, architects for permit holder; Meredith Hyatt, Loretta Stack, Howard Gilbert in opposition to the project; Judith Boyajian, Deputy City Attorney; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 91-230

(12) HINDA GREENBERG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on November
[12, 1991, to Joseph Bruno,
[permit to Alter a Building
[at 435 - 29th Street.
[APPLICATION NO. 9111989.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** at the request of the parties. Letter signed by both parties with request for continuation handed to Executive Director before item called.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 9:51 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.